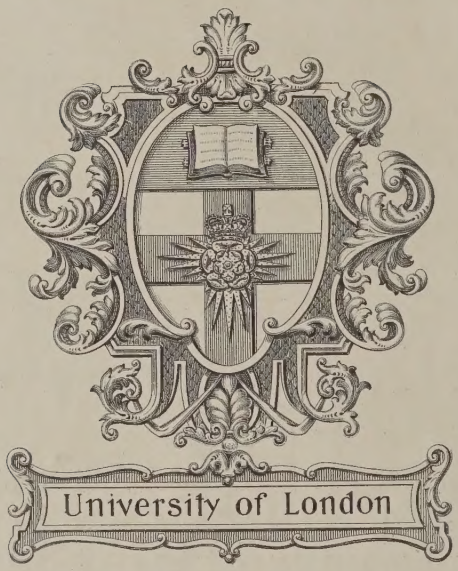
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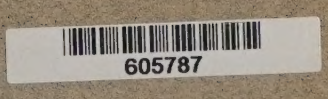
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ACCOUNTS AND PAPERS:

FORTY-EIGHT VOLUMES.

—(47.)—

STATE PAPERS.

NAPLES; PARAGUAY; POLAND; RÉUNION; ROME; RUSSIA; SALVADOR; TURKEY.

Session

5 *February* — 28 *July* 1863.

VOL. LXXV.

1863.

ACCOUNTS AND PAPERS:

1863.

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DESPATCH

RELATIVE TO THE

COMMERCE OF NAPLES.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Despatch relative to the Commerce of Naples.

Consul-General Bonham to Earl Russell.—(*Received February* 4.)

My Lord, *Naples, January* 27, 1863.

I HAVE the honour to state to your Lordship that I have seen letters in the "Times" of 5th and 9th December, 1862, and 6th January, 1863, on the subject of Italian commerce, signed "J. Pope Hennessy," and as, in the letter dated 6th January, that gentleman seeks to impugn the accuracy of the reports I have made to your Lordship, as exhibiting "serious discrepancies" with statistics, which he quotes, from Board of Trade Returns, I trust I may be allowed to offer a few observations on the subject, without waiting until I am able to complete and send in my annual Trade Report.

I cannot, of course, presume to question the accuracy of the Board of Trade Returns, as quoted by Mr. Pope Hennessy; I confess they have astonished me greatly, and I was quite unprepared for them. But my business is with the shipping and commerce of Naples, and I maintain the entire accuracy of the statements I have made to your Lordship in regard to both, and repeat what I had the honour to state in my despatch of the 2nd April, 1862, viz., that at that time commerce was largely increasing at Naples, and, notwithstanding the incontestable and most serious drawback to the development of the prosperity, riches and commerce of this country, in the continuance of brigandage, and the excessive insecurity of internal communications throughout many districts, I am able to state that both British shipping and general commerce at Naples has, as compared with former years, continued to increase up to the present time.

I am not ambitious to shine in what Mr. Pope Hennessy is pleased to term "works of high art," calculated to give a "flourishing," and, as he broadly insinuates, untrue "picture" of the state of affairs, and will confine myself to "dry details" and statistics. These will, I think, fully establish the facts I have stated, but before giving them I must advert to one other remark in Mr. Pope Hennessy's letter relative to my report on the number and tonnage of British shipping at Naples in the first quarter of 1862, viz., that my figures are "valueless" because "some of the vessels only touched at the port of Naples, and that their cargoes were destined for other places in the Mediterranean." I cannot admit this. It is, no doubt, true that the steamers from England do not bring full cargoes for Naples: they all come the round of the Italian ports, bringing portions of cargoes, more or less considerable, as the case may be, for Genoa, Leghorn, Naples, Palermo, or Messina, and sometimes Alexandria; but this is no new practice. For years past the steamers from England for Naples have followed this route, and the comparison of the numbers and tonnage of these steamers from one year to another is a perfectly fair one. There is very great difficulty in obtaining complete returns from the Custom-house in Naples, especially as regards imports, owing to the variety and number of entries, and various other causes; and, consequently, I am unable, from official documents, to assert that the amount of goods imported and landed in Naples in 1862, from 119 steamers, measuring 95,292 tons, is greater or less than what was imported and landed in 1859, the last year of uninterrupted Bourbon rule, from 66 steamers, measuring 41,675 tons, which steamers, then as now, equally carried part cargoes for Genoa, Leghorn, Naples, &c. My entire conviction is that it is greater, for I know not how to believe that shipowners should continue, as they have done, to send, year by year, steamers in increased numbers, and of increased tonnage, to the Italian ports, whilst the amount of goods to be brought continues year by year to diminish. As regards sailing vessels, there is equally little reason for Mr. J. Pope Hennessy's remark. During the year 1862, six vessels, of which four were laden with salt fish, were sent on from Naples to discharge at other Italian ports; in 1861, five vessels were so sent, and every year a few similar instances occur, but not sufficient to require special notice or interfere with a fair yearly average calculation of the shipping.

With the exception of these six vessels, and of a few which in 1862, as in other years, arrived in ballast (12 in 1862), all the others brought cargoes for and discharged them

at Naples. I may mention that many of these vessels brought cargoes direct from British North America, and these, consequently would of course not appear in the Board of Trade Returns. I now annex a statement of the entries and tonnage of British ships at Naples during the last ten years, distinguishing steamers from sailing vessels, and the increase in both is, I think, sufficiently striking:—

British Vessels to Naples.

Entered in the Year	Steamers.		Sailing-vessels.		Total.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.
1853 ..	30	14,915	129	22,046	159	36,961
1854 ..	21	9,909	123	19,874	144	29,783
1855 ..	27	11,447	135	23,200	162	34,647
1856 ..	41	21,218	167	28,657	208	49,875
1857 ..	52	32,300	100	16,093	152	48,393
1858 ..	59	35,492	166	28,842	225	64,334
1859 ..	66	41,675	132	23,905	198	65,580
1860 ..	102	51,680	176	33,401	278	85,081
1861 ..	102	70,426	136	26,416	238	96,842
1862 ..	119	95,292	220	39,678	339	134,970

If Mr. J. Pope Hennessy questions, as from the tone of his letter he probably will, the existence of these ships, I have the honour to state that the name of each individual ship, and the port to which she belongs, has been sent in, in the regular Quarterly Returns, to the Board of Trade.

As regards foreign (not Italian) shipping at this port, I am not, so soon after the expiration of the year, prepared to give exact details; but I have sufficient data to enable me to state with certainty that the number of French vessels (nearly all steamers) which entered Naples in 1862 amounted to upwards of 550 vessels, against 239 in 1859, 282 in 1860, and 351 in 1861. Other foreign shipping is not very important in amount; and I am not aware there is any particular alteration in the average number of vessels.

Of Italian, or national vessels, the number is very great indeed; and I am not able at present to make up the account of them. I can, however, now state, from entries in the registries kept at the Board of Health, that the number of commercial steamers, of all nations, which entered this harbour in 1859, the last year of the Bourbons, was—

	Steamers.	Tonnage.
	656	192,378 *circa*
In 1862 the number was	1,303	442,832 *circa*

It is most difficult to ascertain the amount of cargo brought by these vessels, but I can state positively that no one who knows this port, and witnesses the crowding and confusion in the harbour and on the Custom-house wharves, at this time, can fail to be struck with the great amount of business which exists now, compared to what there was a few years ago. Moreover, this augmentation in the amount of shipping during last year has not been confined to Naples alone: at Gallipoli, the port in these provinces next in importance to Naples, especially as regards foreign shipping, the same thing has occurred. The following Return from Vice-Consul Stevens shows the state of British and all other shipping at that port from 1859 inclusive up to the present time:—

GALLIPOLI.—ENTERED.

Year.	British.		Other Nations.	
	Ships.	Tons.	Ships.	Tons.
1859	43	5,045	235	21,727
1860	34	3,829	186	23,668
1861	43	4,995	165	22,721
1862	84	10,148	324	50,359

To explain this great increase, I must remark that Gallipoli is not so much a port for import (nearly, if not quite, all the British ships go there in ballast) as it is for export; it being the principal port in South Italy for the shipment of olive oil.

The amount of olive oil produced in the autumn of 1861 having been unusually abundant, the consequent demand for vessels in 1862 to ship that crop was unusually large; and this brings me to the assertions in Mr. J. Pope Hennessy's letters, relative to the great diminution of exports from this country during 1862. These assertions are utterly inexplicable to me, the exports in 1862 having, it cannot be doubted, been larger than for many years past; not on account of this country being under the rule of the House of Savoy, but in consequence of the production of many articles of export having been very abundant in 1861.

I will refer in detail to the principal exports from Naples, most of which show a considerable increase.

First. Olive oil.—As I have before stated, Gallipoli is the principal port for the shipment of this oil; probably a quarter to a third of the whole crop is shipped there for exportation.

I find, from Vice-Consul Stevens' Returns, that there was shipped from Gallipoli in—

	Tuns.	Estimated Value Free on Board.
		£
1859	6,208	272,591
1860	9,739	497,692
1861	8,337	437,744
1862	15,476	762,432

Of the above were cleared for Great Britain—

	Tuns.	Estimated Value Free on Board.
		£
1859	4,373	192,184
1860	7,773	339,521
1861	7,134	313,557
1862	10,504	441,472

I have not yet received the Returns from the other Vice-Consulates, but the yield of olive oil having been large throughout the country in 1861, there can be little doubt the export has been considerable at other ports also; and I apprehend the total value of that oil, exported in 1862, will turn out to have been not less than 2,000,000*l.* sterling. On the other hand, I may state that the crop gathered in 1862 was deficient, and the amount to be expected this year must consequently be less.

The export next in importance from these provinces is madder roots. These are principally grown in the vicinity of Naples, and exported from that port; as are also the other products mentioned in the annexed Table.

Declared value of the following exports in the years—

	1859.	1860.	1861.	1862.
	£	£	£	£
Madder roots	125,984	125,167	193,685	339,728
Raw silk	118,717	142,333	65,500	281,750
Liquorice	51,673	8,736	33,692	74,242
Almonds	94,182	68,247	58,794	70,706
Cream of tartar	25,294	27,696	66,670	69,940
Linseed	60,971	32,334	20,848	14,342
Total	476,821	404,513	439,189	850,708

The declared values of the foregoing six articles of export have been furnished me by the Custom-house, and I believe they may be depended on.

I trust the above statements and details will be sufficient to substantiate the accuracy of my former reports relative to the shipping and commerce of this place.

I have, &c.

(Signed) EDW. WALTER BONHAM.

Despatch relative to the Commerce of Naples.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

EXTRACT OF DESPATCH

FROM

SIR JAMES HUDSON

RESPECTING

MR. BISHOP.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Extract of Despatch from Sir James Hudson respecting Mr. Bishop.

Sir J. Hudson to Earl Russell.—(Received March 4.)

(Extract.) *Turin, March 1, 1863.*

I ARRIVED in Turin on the evening of the 26th instant, and the next afternoon Chevalier Artoni, Count Pasolini's confidential Secretary, called on me.

Count Pasolini wished me to know that the condition of Mr. Bishop had formed a subject of anxious investigation by the Italian Government.

The Government had come to the decision of removing Mr. Bishop to the infirmary at Alessandria, and of recommending his pardon to the King on the first favourable occasion.

In the course of the afternoon I received from Count Pasolini a note, a copy of which I have the honour herewith to inclose, which confirms the assurances made to me verbally. And this morning I was informed by Count Pasolini that Mr. Bishop had been conveyed with care, and a due regard to his health, from Gavi to the infirmary of the officers of the garrison of Alessandria.

Inclosure.

Count Pasolini to Sir J. Hudson.

M. le Ministre, *Turin, le 27 Février, 1863.*

J'AI l'honneur de porter à votre connaissance que le Gouvernement du Roi a envoyé un médecin à Gavi pour constater l'état de santé de Mr. Bishop, et que des ordres ont été donnés pour que ce monsieur soit transféré à Alexandrie, où il sera provisoirement soigné dans l'infirmerie de la Maison Pénitentiaire. Je n'ai aucun doute que le climat plus doux d'Alexandrie et les soins qu'il pourra y recevoir amélioreront l'état de santé de ce détenu. Du reste le Gouvernement du Roi saisira la première occasion favorable pour proposer à Sa Majesté de compléter l'acte de clémence dont Mr. Bishop a déjà été l'objet.

Je profite, &c.
(Signé) G. PASOLINI.

(Translation.)

Sir, *Turin, February 27, 1863.*

I HAVE the honour to acquaint you that the King's Government have sent a physician to Gavi to report on the state of Mr. Bishop's health, and that orders have been given for the removal of this individual to Alessandria, where he will be placed in the infirmary of the Penitentiary. I have no doubt that the milder climate of Alessandria, and the treatment he will there receive, will improve the state of this prisoner's health. Moreover, the King's Government will propose to His Majesty, on the first favourable occasion, to complete the act of clemency of which Mr. Bishop has already been the object.

I profit, &c.
(Signed) G. PASOLINI.

Extract of Despatch from Sir James Hudson respecting Mr. Bishop.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

COPY of an AGREEMENT between Mr. *Doria*, Her Britannic Majesty's Chargé d'Affaires, and the Minister for Foreign Affairs of *Paraguay*.—Signed at *Assumption*, 14th October 1862.

(TRANSLATION.)

MR. WILLIAM DORIA, Chargé d'Affaires of Her Britannic Majesty in the Argentine Confederation, having informed the Government of the Republic of Paraguay that the Government of Her Majesty the Queen of Great Britain had sanctioned the Convention signed on the 23d of April 1862, by the Minister for Foreign Affairs of the Republic of Paraguay, and Mr. Edward Thornton, Minister Plenipotentiary of Her Britannic Majesty in the Argentine Confederation, with the exception of the 2d Article of the above Convention:

We, William Doria, Her Britannic Majesty's Chargé d'Affaires, and Francisco Sanchez, Minister for Foreign Affairs of the Republic of Paraguay, anxious to arrive at a final settlement, and after a prolonged discussion of the alteration in the 2d Article referred to, have agreed to substitute for it the Article which is now inscribed with the same number in the place of the text to which the Government of Her Britannic Majesty has made objection, and, as regards the rest, we have agreed to preserve the exact tenor of the Articles which have been sanctioned, recopying here the principal points contained in the above-mentioned Convention, which says:

"Being desirous to renew the friendly relations unhappily interrupted between the two countries, by the following questions:

"1°. The imprisonment of James Canstatt.

"2°. The satisfaction required by the Government of Her Britannic Majesty for want of respect, which, as they state, was shown to their Consul.

"3°. The attack upon the Paraguayan steamer of war, "Tacuari," in the Roads of Buenos Ayres, by British naval forces on the 29th of November 1859; and, lastly, the collision with the aforesaid steamer "Tacuari," and wreck of the English steamer, "Little Polly," in the waters of the Villa de Oliva, have agreed, after seeing and examining the arguments set forth by each side:

"1°. Mr. Thornton declares that, in the Canstatt question, the Government of Her Britannic Majesty never pretended to claim the right to interfere in the jurisdiction of Paraguay, and it never was nor will be their intention to prevent the Paraguayan Government from executing their laws.

"2°. That the Government of Her Britannic Majesty regrets very sincerely that the hostile attitude adopted by its naval forces in the River Plate against the Paraguayan steamer of war, "Tacuari," on the 29th of November 1859, should have offended the dignity of the Republic of Paraguay, and declares in the most solemn manner that it never was nor will be in future their intention to offend in any way the honour of the Republic of Paraguay, or the dignity of its Government.

"3°. That the Government of Paraguay, as they have stated before in their answers to Mr. Henderson, had no intention to offend the said Agent, and still less the Government of Her Britannic Majesty.

"4°. That it being acknowledged that the collision between the steamers "Tacuari" and "Little Polly" is open to discussion to prove which side may be in the right, the Government of the Republic of Paraguay, desiring to avoid that long proceeding, consents to hand over, for all indemnification of the value of the vessel and damages to be claimed, the sum which shall be this day received in the National Treasury, without this act amounting to an admission of culpability on the part of the "Tacuari," and solely by way of indemnity for the misfortune; and, accordingly, the documents which have been presented for this liquidation remain without value or effect.

" With which propositions, to our faithful belief, the decorum and dignity of the two Governments are saved."

In faith of which we, the undersigned, William Doria and Francisco Sanchez, have signed the present Convention in duplicate, and have affixed to it our respective seals, at Assumption, the capital of the Republic of Paraguay, on the Fourteenth day of the month of October of the year of our Lord One thousand eight hundred and sixty-two.

(signed) *William Doria*, (L. S.)
Francisco Sanchez, (L. S.)

PARAGUAY.

COPY of an AGREEMENT between Mr. *Doria*, Her Britannic Majesty's Chargé d'Affaires, and the Minister for Foreign Affairs of *Paraguay*.—Signed at *Assumption*, 14th October 1862.

(*Presented to Parliament by Her Majesty's Command.*)

Ordered, by The House of Commons, *to be Printed*, 16 *June* 1863.

CORRESPONDENCE

BETWEEN

THE EARL OF CLARENDON

AND

HER MAJESTY'S GOVERNMENT,

IN

1856,

RELATING TO

POLAND.

Presented to the House of Lords by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence between the Earl of Clarendon and Her Majesty's Government, in 1856, relating to Poland.

No. 1.

The Earl of Clarendon to Viscount Palmerston.—(Received April 17.)

My Lord, *Paris, April 15, 1856.*

SINCE the commencement of the Conferences I have not failed to bear in mind the deep interest which Her Majesty's Government have always taken in the condition of Poland; and I have been most anxious to bring that question before the Congress in order to obtain some expression of opinion on the subject from that body, or some assurance from the Representatives of the Emperor of Russia that His Majesty intended to adopt a more conciliatory policy towards his Polish subjects.

On the 9th instant, at the request of Count Walewski, I held a conversation with Count Orloff on this subject. I said that the condition of Poland had been discussed, and its future organization determined, by the Congress of Vienna, and that the present Congress could not view the question with indifference; but that, to the best of my belief, the Poles would be tolerably well satisfied if national institutions were restored to them, if their religion were respected, if they were allowed to use the Polish language, and if all their children were educated at Polish schools, instead of, as now, a limited number of them only at Russian schools. I suggested at the same time to his Excellency that he should volunteer some assurance to this effect, or should be prepared to declare it in answer to a question put to him by the Congress.

Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything I had suggested, but that the announcement could not be made to the Congress, as that would be misrepresented in Russia, and His Imperial Majesty would be thought to have yielded to foreign pressure, which would deprive him of the grace of the spontaneous acts he meant to perform.

Count Orloff said to me in a friendly manner, "Do not, in the interest of the Poles, bring the subject forward in the Congress; for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles, and the Emperor may perhaps think it a matter of dignity to postpone what he intends to do."

I said that the question seemed to rest between a voluntary declaration on the part of the Emperor to the Congress, or a Proclamation at some future period to Poland, and that I thought that the former would be the more gracious course, and at the same time be advantageous to the Emperor as an earnest to Europe of the policy which His Majesty intended to adopt; and I urged that such a declaration could not be derogatory to His Majesty's dignity, nor lead to misinterpretation.

Count Orloff answered, that knowing, as he did, the Emperor's views respecting Poland, he had determined not to write to His Majesty on the subject, but that he would make known by telegraph what I had then suggested.

His Excellency yesterday, in answer to my inquiry respecting the answer he had received from St. Petersburgh, informed me that he must decline to make any declaration respecting Poland. He said that the Emperor had determined to do everything that had been suggested, and that the amnesty would be comprehensive, but that he wished to signalize his coronation by these and other acts of grace, and that their good effect would be destroyed if His Majesty's intentions were declared beforehand. His Excellency repeated that, if I persisted in bringing the matter before the Congress, he should be compelled to give an unfavourable answer, and to say that foreign intervention would probably lead to a postponement or a diminution of the favours which His Majesty meant to bestow on his Polish subjects.

Under these circumstances, Count Walewski and I have agreed that the more prudent course would be not to bring forward the question in the Congress.

I have, &c.
(Signed) CLARENDON.

No. 2.

Viscount Palmerston to the Earl of Clarendon.

My Lord, *Foreign Office, April* 17, 1856.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 15th instant, reporting your conversations with Count Walewski and with Count Orloff on the question of Poland; and I have the honour to acquaint your Lordship that Her Majesty's Government entirely approve the course pursued by you, both in bringing the subject into discussion with Count Orloff, and in abstaining, in consequence of what Count Orloff said, from mooting the matter in the Congress.

I have, &c.
(Signed) PALMERSTON.

CORRESPONDENCE

RELATING TO THE

AFFAIRS OF POLAND.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence relating to the Affairs of Poland.

No. 1.

Colonel Stanton to Earl Russell.—(Received July 28.)

(Extract.) *Warsaw, July 22, 1862.*

I REGRET to have to report to your Lordship that, notwithstanding the recent changes in the Government of this country, and the announcement of further improvements to be made in the administration as soon as circumstances will permit, the situation of affairs here does not appear to have materially altered. Considerable excitement exists at the present moment in this town, which may, perhaps, be accounted for by the fact of numerous arrests having been made within the last few days, both in Warsaw and in the country districts; and it is rumoured that some clue has been discovered of the existence of a very extensive secret organization amongst the working classes in the capital and principal towns of the kingdom. Whether any confession has as yet been made by the prisoner who made the attempt on the life of the Grand Duke, I am unable to state positively to your Lordship; but it is highly probable that such may have been the case, and that the arrests recently made may be traced to this cause.

I beg also to inform your Lordship that it has been decided that the trial of Jaroszynski (the person who fired at the Grand Duke) by court-martial shall take place as soon as the preliminary investigations are concluded; and that, contrary to the usual custom in this country, the Court will not be conducted with closed doors or in secret, but that tickets of admission to the Court will be issued to certain persons, so as to make the proceedings public; and it has been hinted to myself that the Consuls of the foreign Powers will be requested to attend the trial.

No. 2.

Baron Brunnow to Sir G. Grey.

My dear Sir George, *Chesham House, July 31, 1862.*

PERMIT me to apply to your constant kindness towards me under a circumstance of peculiar importance, which I shall explain in a few words.

The Grand Duke Constantine, during his former stay in this country, has been particularly impressed with the beneficial influence which your Police regulations exercise for the maintenance of good order, legality, and public security.

His Imperial Highness is desirous of establishing a similar institution in the Kingdom of Poland, whose welfare is entrusted now to his care by His Majesty the Emperor. The Grand Duke is the more anxious to introduce a useful reform into this branch of the public service, as such a reform may enable him to put an end, as soon as possible, to the now existing martial law, and to replace the country under the rule of a regular civil administration.

For this purpose the Grand Duke has thought it highly important to secure for a very short time (say two months) the presence at Warsaw of an intelligent and active police officer, who might communicate to the authorities there his practical views on the subject of the organisation of this branch of public service on a similar footing as it is in this country.

Taking into consideration the importance of the contemplated reform, I do not hesitate to apply to you with the hope that you will kindly lend me your assistance for carrying it into effect, as far as it is in your power. The first step to be taken would be to allow Sir Richard Mayne to put himself into communication

with a gentleman to whose care the Grand Duke has directly and privately entrusted this object, so intimately connected with the success of his own administration.

Believe me, &c.
(Signed) BRUNNOW.

No. 3.

Acting Consul White to Earl Russell.—(Received January 5, 1863.)

My Lord, *Warsaw, December 21, 1862.*

I HAVE the honour to report to your Lordship that certain modifications have been introduced into the operation of martial law in the Kingdom of Poland.

According to these modifications, which have been authorized by His Majesty the Emperor, the restrictions imposed by the state of siege have been removed in a great part of the Kingdom of Poland. They, however, remain in full force in the city of Warsaw and in seven other towns, in all those places which are situated on the two railway lines connecting Warsaw with foreign countries, and in the following three districts, viz., Lipno, Petricau, and Krasnystaw; it having been found necessary to restore the state of siege in the latter district after an interruption of ten weeks, whilst it had never ceased to exist in the other two districts above mentioned since its promulgation in October 1861.

The practice of trying all political offences throughout the Kingdom of Poland by courts-martial is, however, positively retained by this enactment, having continued in force since the Ukase of the Emperor Nicholas on the $\frac{1}{2}\frac{1}{3}$rd April, 1833.

It is also probable (though no mention is made to that effect) that the examination of political prisoners, the system of prison discipline previous to their condemnation, and the practice of the courts-martial in trying them, are to continue such as have been in force in Russia under martial law from time immemorial.

These Courts have been instructed, however, in passing sentence on civilians for political crimes within the Kingdom of Poland, to be guided in future by the provisions of the Civil Criminal Code introduced here in 1847, or rather according to its last Russian edition of 1857, instead of condemning to penalties prescribed by the Military Code heretofore in use in such cases.

Another important modification in the practice of these Courts has been introduced both in Russia and here since September last. The prisoners are allowed Counsel to defend them, and the Military Commander is to select a Procurator to conduct the prosecution on behalf of the Crown, to draw up the indictment, and to watch the proceedings, and to reply to the objections of the prisoner's Counsel. The right, however, to be last heard belongs to these.

The right of being defended by an advocate was first conceded to Jaroszynski in August last, as until then it had been only nominal. In fact, both this privilege and the admission of the public to these trials is due to the intervention of the Grand Duke Constantine, who has throughout shown a most praiseworthy desire to amend the arbitrary system of proceeding in political cases heretofore in use; and although the whole system of military jurisprudence still continues to present in this country many striking instances of anomalies and irregularities, it is gratifying to see how anxious His Imperial Highness is to introduce amendments required by the ideas of modern civilization, however unpalatable to the men of the old school in his native country.

I have, &c.
(Signed) W. A. WHITE.

No. 4.

Sir R. Mayne to Sir G. Grey.

Sir, *Whitehall Place, March* 11, 1863.

IN answer to your inquiry as to the instructions given to the two police officers sent to Warsaw in August last, and as to any reports made by them, I beg to say the only instructions were verbal to the following effect: that they were to take with them all the printed forms and reports showing the organization of the Metropolitan Police, and the mode of carrying on their duties, and that they should give all the information in their knowledge on those subjects to the persons with whom they should be put in communication.

I inclose a copy of the only Report of their proceedings I received, dated Warsaw, September 8.

I am, &c.
(Signed) RICHD. MAYNE.

Inclosure in No. 4.

Messrs. Walker and Whicher to Sir R. Mayne.

Hotel de l'Europe, Warsaw, September 8, 1862.

WE beg leave most respectfully to report, for the information of the Commissioner, that we are still in daily communication with the authorities, who appear to be well pleased with the information we convey to them. No change has been made in the existing police system at present, but we hope that by the latter end of the ensuing week our services will be dispensed with.

Everything seems very quiet, and no further attempts at assassination have been made, although it is feared that similar acts will be repeated, but every precaution is taken to prevent them. Indeed, the Government appears to be in constant apprehension.

Our mission here is kept entirely secret, except to the three gentlemen we have been in communication with, that being deemed the most prudent course under existing circumstances, as our personal safety might be endangered by a wrong construction being placed on the object of our visit.

(Signed) ROBERT WALKER.
J. WHICHER.

Correspondence relating to the Affairs of Poland.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

INSURRECTION IN POLAND:

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence respecting the Insurrection in Poland: 1863.

No. 1.

Acting Consul-General White to Earl Russell.—(*Received January* 26, 1863.)

My Lord, *Warsaw, December* 31, 1862.

I HAVE the honour to report to your Lordship that the Government here have dissolved the District Council of Prasnyz in consequence of some of the expressions made use of during the discussions of that body. This is the second of the new Councils which has been thus dissolved out of thirty-nine; and this renders null and void all the proceedings of that body, even the selection of Commissioners of Arbitration for awarding the terms of disputed peasant-leases.

The Government are, however, bound by law to convoke the electors of these districts for a new election within twelve months from the date of dissolution.

I have, &c.

(Signed) W. A. WHITE.

No. 2.

Acting Consul-General White to Earl Russell.—(*Received January* 26.)

My Lord, *Warsaw, January* 11, 1863.

A FORTNIGHT ago certain discoveries were made by the police here, to which very great importance was attached at the time by the highest authorities in this country, but their value has considerably diminished since, as the activity of the revolutionary faction has remained unabated, notwithstanding the arrest of those individuals whom the police supposed to be the chief leaders of the conspiracy.

These arrests comprised several railway officials, one of whom, of the name of Kowalewski, was spoken of as the head of the Police Department of the Revolutionary Committee; another person of the name of Epstein, the son of a wealthy Jewish banker, was supposed also to have taken an active part in seditious measures, and great joy was manifested in official circles at his apprehension.

A few days later the police seized several persons in the very act of printing a revolutionary newspaper, and the letter-press was also taken on that occasion. The house where these were found was taken possession of by the police, and in the course of the following day a man of the name of Schwartz was arrested when coming to that very house, probably with a view to get some copies of the paper. He attempted to make his escape on seeing the police, but he was followed and taken after some attempt at resistance. Several important papers were found in his possession, among them his commission appointing him an agent to the Revolutionary Committee. Schwartz is a French subject, but the son of Polish parents; he appears to have received a good education as civil engineer in Paris.

About the same time, the French Government arrested three Polish refugees in Paris, whose papers were searched and whose connection with Mazzini and with the Revolutionary Committee at Warsaw appears to have been beyond a doubt.

All these discoveries were made at a time when numerous agents of the Revolutionary

Committee are driving about the country, both in the kingdom and in Lithuania, enrolling members for the Secret Society, threatening the Government officials with their vengeance, and spreading alarm among all peaceably disposed inhabitants.

It was hoped at first by those persons in the Government, who are more sanguine, that they were on the eve of very great discoveries on the subject of the revolutionary organization, but these hopes do not appear to have been realized as yet.

One of the most important persons seized is a man of the name of Abicht, a native of Lithuania, who was taken the other day, quite by accident, in the small town of Garwolin, about fifty miles from Warsaw, by the local authorities, who suspected him of belonging to a party of highwaymen who had robbed the post in that locality.

This suspicion arose from the circumstance of the Jewish waiter in the inn where Abicht and his companions were staying, having discovered pistols in his portmanteau, which made the Jew give information of this to the Local Mayor, or Bürgermeister, who arrested them at once.

I have, &c.
(Signed) W. A. WHITE.

No. 3.

Acting Consul-General White to Earl Russell.—(Received January 26.)

My Lord, *Warsaw, January* 14, 1863.

AS the execution of the measure of forced enlistment is drawing near, the Revolutionary faction continues to deceive the masses by a bold attitude, pretending all along that it possesses the power to resist the orders of the Government, and that the carrying out, in a peaceable manner, of this exceptional measure will be attended with insurmountable difficulties.

A few days after the seizure of the types of the seditious paper the "Ruch," these people published a fresh number of that newspaper, denying the fact of the discovery of their printing press, with a view to prevent the discouragement which this might produce among their partisans.

Immediately afterwards the Revolutionary Committee issued a circular which was sent to various local authorities throughout the country, threatening with vengeance and summary punishment any person in the employment of the Government, or any magistrate, aiding or assisting in any way to carry out the recruitment.

A few days after that, the Jewish waiter whose information had led to the apprehension of Abicht, the Revolutionary agent, at Garwolin, as mentioned in my despatch of the 11th instant, came to Warsaw to receive a pecuniary reward of the amount of 200 roubles bestowed on him by the Grand Duke for having given that information. The Jew applied during three days at the Treasury for payment, and the third day he was stabbed at the gate with a dagger on coming out of the Paymaster-General's Office, evidently with the intention to intimidate informers and the Provincial authorities during the approaching conscription. The Jew was not mortally wounded, it appears; he was even able to follow his murderer through the streets, when he fell: a man was taken by the police, a locksmith by profession, who is supposed to be the guilty party, but his identity does not appear to have been sufficiently established as yet.

I think it necessary to mention here that Abicht came to Poland from England with a British passport.

The lists of persons destined to be taken as recruits have been made out, and the conscription is to begin in the course of a few days in Warsaw, and to follow in the Provinces and in the other towns of the Kingdom. No effort has been spared to include in it all able-bodied men who are suspected of revolutionary tendencies, and who have been marked out as such by the police during the last two years; but from what is known of the inefficiency of that Department of the Government, it may be easily supposed that this sort of information cannot be always relied on.

The number of recruits to be raised this time from the Kingdom is kept secret. I have reason, however, to suppose that it is intended to get at the rate of 5 per 1,000 of the population; and as this amounts in the towns to about 1,200,000, the number would be 6,000 men. As the rural population is exempt this time, the villages have only 2,000 men to supply; thus making a total of 8,000 men.

The exact number, however, does not appear to be definitively settled, and the Grand Duke is allowed a certain margin as to the figure of recruits to be supplied this time by the Kingdom

The result of this measure is looked forward to with intense interest both by the rulers and by the governed; and if the expectations of the former are attended with success, the conscription is to be over in a month's time, and when it is completed the Grand Duke will probably proceed to St. Petersburg for a few weeks, to submit to His Majesty further projects for the pacification of his Imperial brother's Polish subjects.

I have, &c.
(Signed) W. A. WHITE.

No. 4.

Colonel Stanton to Earl Russell.—(*Received January* 26.)

My Lord, *Warsaw, January* 19, 1863.

THE projected conscription for the Russian army, which had been announced by the Government to take place at the commencement of the present year, was carried into effect in this town on the night of the 14th instant, when about 2,000 men were taken for service.

The members of the Government were under considerable apprehension that carrying this resolution into effect would produce disturbances throughout the country, as the agitators of the revolutionary party had used their utmost endeavours to incite the people to resist the levy, and, if necessary, even to appeal to arms. The date on which the levy was to be made was kept a secret, and steps were taken by the authorities to repress any hostile movement should such take place; but, notwithstanding the threatening attitude of the ultra party, the measure was carried out without any disturbance as far as the town was concerned.

The effect produced by the sudden and complete success of the Government in this matter is most marked; the Revolutionary party appears to be paralyzed, and the working classes have already commenced to open their eyes to the folly of further resistance, and to the impotence of the ultra party to offer any effectual opposition to the Government. Unfortunately a number of working men and others belonging to the secret societies have been induced to assemble not far from this town, in obedience to the orders given them by the chiefs of the movement; their numbers are, however, not supposed to amount to more than 500 or 600, the greater portion of whom are unarmed. Troops have been despatched to disperse and capture these insurgents, and it is to be feared some blood will be shed in effecting this; but the weakness of the ultra party, and the impossibility of their resisting the Government, will, at least, be clearly demonstrated by this foolish attempt, and I believe, my Lord, it is not too much to anticipate that the Polish movement will now shortly be brought to an end, and the country resume, if not a peaceful attitude, at least one of comparative quiet and freedom from revolutionary attempts.

The conscription has still to be carried out in the country districts, and the date on which this is to take place is still kept a secret, but after the success of the measure in Warsaw I imagine no serious opposition need be feared in the provinces; no doubt numbers of persons liable to be taken will endeavour to leave the country, and it is highly probable that the forests of the Kingdom will for some time be used as places of refuge, and the roads of the kingdom rendered unsafe for travellers by the presence of these persons, who will be reduced to brigandage to obtain means of support.

In conclusion, my Lord, I may remark that, notwithstanding the present resistance to the Government, the state of affairs in this country has, to all outward appearance, materially improved during the last two months.

I have, &c.
(Signed) EDWD. STANTON.

No. 5.

Sir A. Buchanan to Earl Russell.—(*Received January* 29.)

(Extract.) *Berlin, January* 27, 1863.

I HAVE the honour to inclose herewith the original of a letter which I have just received from Her Majesty's Consul at Warsaw, giving an account of the insurrectionary movement which has taken place in Poland.

Inclosure in No. 5.

Colonel Stanton to Sir A. Buchanan.

(Extract.) *Warsaw, January* 25, 1863.

THE lines of telegraph connecting this with Berlin and St. Petersburgh having been cut, I have been unable to report the march of events in this country. I therefore forward a few lines on the state of affairs here; and I have the honour to request, should your Excellency consider the intelligence of sufficient importance to be forwarded, that it may be transmitted to Earl Russell and Lord Napier.

Your Excellency will have heard that immediately after the conscription was made in this town, a number of persons assembled in the neighbourhood to resist the action of the Government, and that troops were dispatched to disperse and capture these. Since that date events of a much more serious nature have taken place, and collisions have occurred between the insurgents and the Imperial troops in several places in the kingdom. The idea of the Revolutionary leaders was to effect a general rising on the night of the 22nd, and to fall upon the various small detachments of troops scattered throughout the country at the same moment. Some of these attempts were made, and a few small parties of troops surrendered; in general, however, the troops were able to beat off the attacks, and numbers of prisoners have been made. The most serious affair appears to have taken place in the town of Plock, where an attack was made on the guard-house, but was repulsed after some heavy firing, which lasted a considerable time. I am not aware what casualties occurred, but the losses are reported to be heavy; nor am I able at present to give your Excellency any idea of the number of the insurgents; they have, however, succeeded in cutting the telegraphs as well as the railway between this town and St. Petersburgh, having, as I am informed, destroyed one or two bridges on this line. Some rails were also taken up on the Warsaw and Vienna Railroad, but these have, I believe, been replaced, and the communication by this line preserved.

Unfortunately the Government were not prepared with flying columns to act immediately in the different districts, and some valuable time has been lost in putting down this movement, which has now taken such dimensions that it is to be feared a considerable amount of bloodshed will take place before the rising is completely suppressed; but it is difficult to imagine that any serious opposition could be offered to the forces at the disposal of the Government, and as the movement appears at present to be confined to the townspeople, backed by the clergy, the peasant population holding aloof, it is to be hoped that quiet will shortly be re-established, and that the wavering portion of the inhabitants of the kingdom will see the folly of resistance to the overwhelming force of Russia. The success of the conscription in Warsaw itself appears to have precipitated the action of the Revolutionary agents, and to have upset all their calculations, and I imagine we are not likely to have any disturbance in this town; and as the mask is now thrown off, the Government as well as the people themselves can see who are the actual instigators and leaders in this foolish attempt.

No. 6.

Lord Napier to Earl Russell.—(Received February 2.)

(Extract.) *St. Petersburgh, January* 26, 1863.

I HAVE the honour to transmit to your Lordship herewith an extract from the official newspaper of yesterday's date containing some particulars of the recent outbreak in various parts of Poland in connection with the military recruitment.

Your Lordship was informed some time since that the Russian Government had restored the barbarous system of recruitment by designation in Poland, in lieu of the humaner plan of conscription by lot, which had been prescribed by a law of the year 1859, but which had never been exercised, as no levy has been made since that date. Nor was a recurrence to the former scheme by which the Emperor Nicholas exhausted and subdued the energies of the Polish people the only bad feature in the recent enactment: the scheme itself was partially applied; it was to be put in force in the towns, but not in the country, the Government having a double object in view,—on one side to conciliate the landed proprietors and peasantry, and on the other side to seize upon the most obnoxious persons in the urban population and carry them off as soldiers. About 8,000 recruits, as I understand, were to be levied in the Polish towns by Mixed Commissions composed of military officers and civil functionaries who have an absolute power of selection. Without affirming that in all cases this faculty

would be abusively exercised without regard to the numbers or resources of families or to the station and avocations of the parties liable to service, it is is certain that the selection of the authorities would be frequently prompted by considerations of a political character, and it may be feared that the instruments of Government would sometimes be accessible to motives of a corrupt nature. In fact, it was a design to make a clean sweep of the revolutionary youth of Poland, to shut up the most energetic and dangerous spirits in the restraints of the Russian army. It was simply a plan to kidnap the opposition, and carry it off to Siberia or the Caucasus. This proposal, so totally out of keeping with the humane and intelligent order of things recently inaugurated in Poland, created great surprise among many persons well affected to the Russian Government; for it was apprehended that even if the Government should succeed in disposing of a number of dangerous antagonists, yet the moral obloquy attending this act would greatly outweigh the material advantage to be gained. It seemed to my humble judgment to be the single considerable error committed in Poland since the nomination of Marquis Wielopolski; yet it had the approval of that Statesman and the sanction of the Grand Duke Constantine. How far the present revolt is the work of men driven to desperation by the prospect of being caught up and made Russian soldiers, or how far it is the work of revolutionary incendiaries availing themselves of this opportunity, and instigators, cannot yet be ascertained. The arbitrary recruitment will, however, give a colour to resistance and excuse the acts of the revolutionary party in the eyes of Europe. They will have a justification, or at least extenuation, which nothing but some great act of injustice on the part of Russia could have afforded them. It is obvious, however, that, under every provocation, insurrection in Poland under any circumstances is a crime; for it is insurrection without the least chance of success, which can only terminate in increased severities and aggravated hatred.

Among reflecting Russians, the only defence I have ever heard given for the suspension of the Law of 1859 and the return to the old system is this: that the regular military conscription is not introduced in Russia itself, and that if the levy had been taken in Poland on the modern European plan, Poland would have been better treated than the Empire; that it was most equitable to continue the arbitrary method in both countries until a good law could be contrived for both.

I cannot assent to this argument. The institutions of Poland are in many respects more advanced than those of Russia. This is, no doubt, a strong motive for improving the Russian laws; it is no motive for debasing those of Poland.

There is no reason why the French law of conscription should not have been matured for application in Russia Proper during the last six years in which there has been no levy of soldiers in the Empire. The measure complained of is, in my humble opinion, simply a malignant, and, I hope, expiring effort of the old system of despotic violence. The result is deplorable, but it is natural. We can only hope that the Emperor will not allow himself to be drawn into a reactionary course in other respects by an incident which has been, in part at least, provoked by the imprudence of his Representatives and advisers.

Inclosure in No. 6.

Extract from the "Journal de St. Pétersbourg" of January $\frac{13}{25}$, 1863.

GRACE aux actives et prévoyantes dispositions des autorités locales, le recrutement s'est opéré à Varsovie dans l'ordre le plus parfait. Nulle part il n'y a eu de résistance; les recrues se sont prêtées de bonne grâce à la réquisition des agents publics et elles ont été traitées avec tous les égards voulus.

Mais il était à prévoir que dans les provinces les choses ne se passeraient pas avec autant de calme.

L'étendue du terrain sur lequel les agents du recrutement étaient appelés à opérer rendait leur tâche beaucoup plus difficile.

Les nouvelles qui nous arrivent aujourd'hui, en date du $\frac{6}{18}$ Janvier, par les voies ordinaires, confirment ces prévisions.

Un rassemblement de réfractaires s'est réuni à une huitaine de verstes de Varsovie, sur la route de Minsk. Quelques-uns s'étaient munis d'armes; mais ils ne tardèrent pas néanmoins à se disperser.

Deux autres bandes, évaluées à 400 ou 500 hommes, se sont réunies à Blonie et aux environs de Siérock et de Pultusk, pour se rendre ensuite dans les forêts de Kampinos et de Nasielsk. La rigueur de la saison et le manque de vivres se font déjà sentir parmi eux.

Les mesures nécessaires ont été immédiatement prises par ordre du Lieutenant de

l'Empereur. Des troupes ont été envoyées dans les localités précitées, qu'elles parcourront en colonnes mobiles.

Nous recevons en outre les dépêches télégraphiques suivantes :—

"*Varsovie*, 10 *Janvier*.

"La bande réunie dans le bois aux environs de Blonic a passé la Vistule dans le but de se réunir à celle des forêts de Nasielsk. On suppose qu'elles s'élèvent à près de 1,000 hommes. Des troupes ont été envoyées pour les cerner. Une quarantaine de fuyards désarmés ont déjà été faits prisonniers."

Autre Dépêche.

"*Varsovie*, 11 *Janvier*.

"Les bandes sur la rive droite de la Vistule se renforcent. Elles ont quelques armes. Un régiment a été envoyé dans leur direction. Rien de nouveau en ville. Tout y est calme."

Autre Dépêche.

"*Varsovie*, 12 *Janvier*.

"Dans la nuit du 10 au 11, des attaques ont été dirigées presque partout contre les troupes cantonnées séparément. Les rebelles pénétraient dans les maisons et tuaient isolément les soldats ; partout les détachements ont eu le temps cependant de se réunir et de repousser les rebelles ; dans la poursuite, ils leur enlevaient les armes et faisaient des prisonniers. Notre perte est évaluée à trente hommes tués et le triple de blessés. Celle des rebelles a été infiniment plus considérable. Le Colonel Kozlianinow avait été tué la veille en faisant une reconnaissance dans les bois. Le Général Kanabich est blessé. Les rencontres les plus sérieuses ont eu lieu à Plock, Plonsk, Radzit, et dans les environs de Siedlce. Des mesures sont prises pour une concentration générale de troupes. Tout le royaume est déclaré en état de siége."

Autre Dépêche.

"*Wilna*, 12 *Janvier*.

"Dans la nuit du 10 au 11, une bande armée assez nombreuse, venant du Royaume de Pologne, a attaqué inopinément le cantonnement de la 7e compagnie du régiment de Libau à Sourage, petit bourg situé sur la frontière. Le chef de la compagnie parvint à réunir 60 hommes et, craignant d'être cerné, se retira vers Zabloudow, où se trouve l'Etat-Major de son bataillon. Un tambour et deux soldats ont été tués : un bas-officier et un soldat ont disparu. Tout est tranquille dans le reste de la contrée. Les mesures sont prises pour maintenir les communications."

Autre Dépêche.

"*Varsovie*, 12 *Janvier*.

"Le parti révolutionnaire avait décidé de faire une St. Barthélemy dans la nuit du $\frac{10}{22}$ au $\frac{11}{23}$ Janvier. A minuit eurent lieu simultanément dans toutes les provinces des attaques sur différentes villes et sur des détachements de troupes cantonnés dans les bourgs et les villages. Surprenant les soldats pendant leur sommeil, les insurgés les égorgeaient dans leur lit ; dans un village aux environs de Siedlce, où des soldats se défendaient vigoureusement dans la maison qu'ils occupaient, les insurgés ont incendié la maison en brûlant vifs les braves qui s'y trouvaient. Partout ces atrocités ont été réprimées aussitôt par les troupes, qui ont fait essuyer de très-grandes pertes aux insurgés, repoussés sur tous les points. La loi martiale vient d'être proclamée par tout le royaume."

(Translation.)

THANKS to the active and provident dispositions of the local authorities the recruitment was effected at Warsaw with the most perfect order. On the part of none was there any resistance ; the recruits answered with a good grace to the requisition of the public agents, and they were treated with all the consideration they needed.

But it could be foreseen that in the provinces matters would not be settled in as great a calm.

The extent of the territory over which the Agents of the recruitment were employed to act rendered their task a much more difficult one.

The news which reach us to-day, of the date of January $\frac{6}{18}$th, by the ordinary channels, confirm these anticipations.

A collection of malcontents met together at about eight versts from Warsaw, on the Minsk Road. Some of them were furnished with arms, but, nevertheless, they lost no time in dispersing.

Two other bands, estimated at 400 or 500 men, assembled at Blonic, and in the neighbourhood of Siérock and of Pultusk, to betake themselves thence to the forests of Kampinos and of Nasielsk. The rigour of the season and the want of victuals are already making themselves felt among them.

The necessary measures were immediately taken by order of the Lieutenant of the Emperor. Troops have been sent to the above-cited localities, which they will traverse in moveable columns.

We have received in addition the following telegraphic despatches :—

"*Warsaw, January* 10, 1863.

"The band which assembled in the wood adjoining Blonic has crossed the Vistula with the object of uniting itself to the one in the forests of Nasielsk. It is supposed that they amount to nearly 1,000 men. Troops have been sent to surround them. Forty disarmed fugitives have already been made prisoners."

Another Despatch.

"*Warsaw, January* 11, 1863.

"The bands on the right bank of the Vistula are being reinforced. They have some arms. A regiment has been despatched in the direction of them. No news in the town : all there is calm."

Another Despatch.

"*Warsaw, January* 12, 1863.

"In the night from the 10th to the 11th attacks have been almost everywhere directed against the troops in separate cantonments. The rebels penetrated into the houses, and killed the soldiers one by one ; everywhere, notwithstanding, the detachments have had time to unite themselves and to beat back the rebels ; in the pursuit they took from them their arms and made prisoners. Our loss is estimated at thirty men killed and twice that number wounded. That of the rebels has been infinitely more considerable. Colonel Kozlianinow was killed the day before while reconnoitering the woods. General Kanabich is wounded. The most serious of the encounters took place at Plock, Plonsk, Radzit, and in the neighbourhood of Siedlce. Measures have been taken for a general concentration of troops. All the kingdom is declared in a state of siege."

Another Despatch.

"*Wilna, January* 12, 1863.

"In the night from the 10th to the 11th an armed band of considerable numbers, coming from the Kingdom of Poland, attacked unexpectedly the cantonment of the 7th company of the Regiment of Libau at Sourage, a small place situated upon the frontier. The Chief of the company succeeded in mustering sixty men, and fearing to be surrounded, retired to near Zabloudow, where the Chief of the Staff of his battalion is. A drummer and two soldiers have been killed ; a sub-officer and a soldier have disappeared. All is quiet in the rest of the country. Measures have been taken for maintaining the communications."

Another Despatch.

"*Warsaw, January* 12, 1863.

"The revolutionary party had decided to make a St. Bartholomew's night in the night of the $\frac{10th}{22nd}$ to the $\frac{11th}{23rd}$ January. At midnight there occurred simultaneously in all the provinces attacks upon different towns and upon detachments of troops cantoned in the towns and the villages. Surprising the soldiers in their sleep, the insurgents slaughtered them in their beds; in a village in the neighbourhood of Siedlce, where some soldiers were defending themselves vigorously in the house which they occupied, the insurgents set the house on fire, and burnt alive the brave men who were in it. Everywhere these atrocities were immediately checked by the troops, who made the insurgents experience very great losses, being driven back at all points. Martial law has now been proclaimed throughout the kingdom."

No. 7.

Lord Napier to Earl Russell.—(Received February 2.)

My Lord, *St. Petersburgh, January* 26, 1863.

IT is the custom of the Emperor to review one of the regiments of the Guard every Sunday after church.

Yesterday His Majesty reviewed the Ismailoff Regiment in the Grand Manège, near the palace. At the conclusion of the parade the Emperor, who was on horseback, having assembled around him the officers of the regiment, as well as the general officers of his suite, among whom were the Grand Dukes Nicholas and Michael, proceeded to inform them of the news that had reached him, the day before, of the disturbances in Poland. I hear from one of the Emperor's Aides-de-camp, who was present, that the Emperor, who spoke in a tone of great sadness, but at the same time with much firmness, related the circumstances of the outbreak in almost the same terms as those in which they are given in the telegraphic despatches published in the "Journal de St. Pétersbourg" of yesterday's date. His Majesty described the formation of bands of insurgents on both banks of the Vistula and the atrocities committed by them, of their having fallen upon small detachments of soldiers and murdered them in cold blood; and, in one instance, when they were unable to drive a small number of soldiers out of a house in which they were defending themselves, of their having set fire to it and burnt the soldiers alive; besides the death of these unoffending men, the Emperor said we have to lament the loss of a comrade who once served in this regiment, Colonel Kozlianinow, who was killed in a reconnaissance near Warsaw. After expressing the grief and indignation with which he had heard of these events, the Emperor said, "You must not suppose, however, that I consider these atrocious deeds are to be laid to the account of the Polish nation; they are the work of agents of a revolutionary party who are employed in creating disturbances in various parts of Europe, and who will stop at no crime in the accomplishment of their designs."

In conclusion, the Emperor made a remarkable admission with reference to disaffection existing in the Russian army; that instances of such a feeling existed, His Majesty said, cannot unfortunately be denied, but, he added, he felt convinced that if he should be obliged to call upon his troops to assist their comrades in Poland, he could rely on their unshaken fidelity. He himself had commanded the Ismailoffski Regiment during the lifetime of his father, and he knew he could implicitly depend upon them; but it was not only in the Guards that he had this confidence, he was convinced the same loyal feeling existed throughout the Russian army. This address, which was received with enthusiastic acclamation, was pronounced in such an earnest and impressive manner that many of the officers were moved to tears, and the Grand Duke Michael is said to have sobbed aloud.

I have, &c.
(Signed) NAPIER.

No. 8.

Colonel Stanton to Earl Russell.—(Received February 2.)

My Lord, *Warsaw, January 25, 1863.*

THE telegraph having been broken in several places, and communication thus interrupted between Warsaw and the other capitals, I have been unable to report earlier to your Lordship on the progress of events in this country.

In my despatch of the 19th instant I had the honour to state to your Lordship that a number of persons had assembled, not far from this town, for the purpose of resisting the action of the Government in the matter of recruiting for the army; that troops had been sent to disperse and capture them; and that such a result might be expected at any moment. It appears, however, my Lord, that notwithstanding the notice the Government have so long had of the intention of the ultra-party to endeavour to resist the levy of recruits, no effectual measures had been taken to resist an attempt at rising on the part of the people; the consequence has been, as I am informed by official persons, that in some districts of the kingdom, but more especially in those of Plock and Siedlce, attacks have been made on isolated parties of soldiers, and some sharp skirmishes taken place, in which blood has been shed on both sides, the insurgents being always worsted and losing many prisoners. So little attention was, however, paid to the probabilities of an outbreak that on the night of the 22nd instant the railways from this town to St. Petersburgh and Vienna were cut and the telegraphs broken, and although the former have been put in working order again, they are liable to constant interruption of a similar nature, as constant supervision will be required to insure the whole line of communication.

There can, my Lord, I imagine, be no doubt as to the upshot of this outbreak; but it cannot be denied that by want of the very commonest oversight in the military arrangements in the country, matters have been permitted to take much more serious dimensions than should have been the case, and a proportionate waste of blood will be required before it is completely suppressed.

I may mention to your Lordship that it is reported in official circles that the intention of the insurgents was to have risen against the troops throughout the country districts during the night of the 22nd instant, and to have murdered in cold blood any that could be surprised.

The heaviest skirmish is reported to have taken place in the town of Plock, where the firing lasted for some time and heavy casualties are reported, but I am as yet unable to give your Lordship any positive details of the matter. It is also stated that when the firing commenced the bells of the various churches were rung to give the alarm-signal to the insurgents, thus proving, were such proof required, the complicity of the priests with the movement.

I have, &c.
(Signed) EDWD. STANTON.

No. 9.

Colonel Stanton to Earl Russell.—(Received February 2.)

My Lord, *Warsaw, January 28, 1863.*

I HAVE the honour to forward herewith to your Lordship translations of two revolutionary proclamations that have been issued by the so-called National Committee at Warsaw.

The first of these, dated the 16th instant, is forwarded to your Lordship in French, as I was unable to procure a copy of the original.

This proclamation calls upon the country to rise against the Russians, and to resist the conscription to the last extremity, declaring also the Marquis Wielopolski and his son, as well as all the persons who had assisted in carrying out the conscription in Warsaw, as outlaws and traitors to their country.

The second proclamation, under date of the 22nd instant, is worthy of notice, from the attempt to induce the peasants to join the movement by the promise held out to them, of having the land now in their possession given to them absolutely, whilst at the same time it speaks of reimbursing the landlords from the National Treasury.

I do not imagine, my Lord, that either of these documents will produce much effect on the people to whom they are addressed, but I forward them under the belief that they may prove of interest to your Lordship.

I have, &c.
(Signed) EDWD. STANTON.

Inclosure 1 in No. 9

Proclamation of the National Committee, dated January 16, 1863.

LE recrutement a eu lieu en partie à Varsovie. Notre ennemi, comme un assassin et un vil criminel, est venu attaquer des gens endormis et enlever les pères de nombreuses familles, et au lieu des fils ainés enlevant les cadets. En un mot il s'est emparé de tous ceux qu'il a trouvés sous sa main pour remplacer les absents. Le monde n'avait pas encore vu un semblable système de recrutement. Il est digne de son auteur, de ce grand et vil criminel, traître à son pays, Wielopolski.

Le Comité Central National avait tout préparé pour empêcher le recrutement, mais il a rencontré des entraves qu'il lui avait été impossible de prévoir, notamment de la part du Gouvernement Français, qui condamne notre mouvement et oppose des obstacles semblables à ceux que les gendarmes Russes y apportent. Il a retardé l'importation des armes en Pologne en nombre suffisant pour effectuer un soulèvement instantané. Le Comité, ne se laissant pas détourner par ces obstacles, s'occupait à trouver d'autres moyens, quand le recrutement a eu lieu subitement au milieu de la nuit.

Polonais ! Faut-il nous retirer devant les difficultés que nous rencontrerons ? Livrerons-nous nos frères à un service dégradant? Non, marchons en avant avec foi et courage, avec Dieu et confiance dans la sainteté de notre cause. Le Comité Central National se présente avec d'autant plus de vigueur et d'énergie que les circonstances sont plus difficiles ; notre étendard n'est pas tombé, et ne tombera pas. Unissez-vous, frères, autour de lui, et avec d'autant plus de vigueur et d'ardeur que notre ennemi nous presse et nous persécute. Ne faiblissez pas, mais au contraire fortifiez-vous ; vous devez être des héros et vous le deviendrez. Notre ennemi rencontrera dans ses projets criminels une valeureuse résistance qui finira par le vaincre.

Polonais, secourez nous de votre valeur, de votre dévouement; persistons ensemble jusqu'au bout, et Dieu nous accordera la victoire.

Le Comité Central National proclame le pays entier en état exceptionnel, et ordonne à tous les dignes fils de la patrie de se défendre jusqu'à extinction quand même ce serait isolément contre le recrutement et de libérer ceux qui se trouvent entre les mains du Moscovite, de prêter aide et protection à tous ceux qui se cachent.

Les Wielopolski, père, et son fils Sigismond, ainsi que toute cette bande criminelle qui a participé au recrutement à Varsovie, ainsi que tous ceux qui jusqu'aujourd'hui ont prêté la main ou la prêteront aux criminelles tentatives de l'usurpation, seront mis hors la loi, et il est permis à chacun, sans encourir aucune espèce de responsabilité par devant Dieu et la patrie, de les juger et d'exécuter les jugements qu'ils auront encourus.

Varsovie, ce 16 *Janvier,* 1863.

Le Comité Central National.

(Translation.)

THE recruitment has commenced in Warsaw. Our enemy, like an assassin and vile criminal, has come to attack people asleep and to carry off the fathers of numerous families, and the younger children in place of the older. In a word it has taken all whom it has found, to take the places of those who were absent. A system of recruiting like this has never yet been seen. It is worthy of its author, of that great and vile criminal, that traitor to his country, Wielopolski.

The Central National Committee had made every preparation to prevent the recruitment, but it has encountered obstacles which it was impossible to foresee, especially on the part of the French Government, which condemns our movement, and opposes to it obstacles similar to those with which the Russian police strive to oppose it. It has hindered the importation of arms into Poland in numbers sufficient for a simultaneous uprising. The Committee not suffering itself to be baffled by such measures, was occupying itself in the discovery of other means to this end, when the recruitment suddenly took place in the middle of the night.

Poles! must we succumb to the difficulties which are before us? Shall we give up our brothers to a degrading service? No. Let us march on with faith and courage, with God, and with confidence in the sanctity of our cause! The Central National Committee comes forward with a vigour and energy proportioned to the difficulty of the circumstances. Our standard has not fallen, and never will fall. Gather around it, brothers, and with the more vigour and ardour as our enemy oppresses and persecutes us. Do not give way, but, on the contrary, strengthen yourselves; you should be heroes, and you will become so. Our enemy will meet with a determined resistance in the prosecution of his criminal projects.

Poles! help us with your valour, with your devotion; let us persevere to the end, and God will give us the victory.

The Central National Committee proclaims the whole country to be in an exceptional state, and commands all worthy sons of their country to defend themselves to the death, even if alone, from the recruitment, and to deliver those who may find themselves in the hands of the Muscovite, and to give help and protection to all who may be in concealment.

The Wielopolskis, the father and his son Sigismund, and all the criminal band who have taken part in the recruitment at Warsaw, together with all those who have up to the present time assisted, or who are about to assist, these wicked attempts at usurpation, shall be outlawed, and it is permitted to every one to judge, and to execute them without incurring any sort of responsibility, either before God or before his country.

Warsaw, January 16, 1863.

The Central National Committee.

Inclosure 2 in No. 9.

Proclamation of the National Committee, dated January 22, 1863.

(Translation.)

THE contemptible Government of the invaders, rendered furious by the resistance of the victim that it tortures, has determined to strike a decisive blow by carrying away many thousands of its bravest and most strenuous defenders, dressing them in the hated Muscovite uniform, and driving them thousands of miles to suffer eternal misery and destruction.

Poland will not, cannot, submit to this violence and degradation without an attempt at resistance. It would be a shame, before posterity were she to submit to it without an

energetic effort. Legions of young men, brave and devoted to the cause of their country, have sworn to cast away the abhorred yoke or to die, and they place their reliance in the just assistance of the Almighty. Follow these, O Polish nation!

The Central National Committee, the only legal Government of your country, bids you all appear on the last battle-field, the field of glory and victory, where it pledges itself to give you success before God and Heaven; for the Committee knows that as you have been heretofore penitents or avengers, so you are ready to become to-morrow heroes and giants of strength. It knows you ready to achieve your liberty and independence by deeds of courage, and to make such sacrifices as no people have as yet inscribed on the annals of their history. It knows well that you are ready to give all your blood, your lives, and your freedom without regret, hesitation, or weakness, as an offering to your rising country.

In return the Central Committee promise to wield the sceptre of authority with an unflinching hand, so that your strength will not be wasted. Your sacrifices will not be in vain. It will know how to overcome all difficulties, to break through all impediments; it will pursue and punish every disinclination, nay even every case of want of sufficient zeal in our holy cause, with the utmost severity required from a tribunal which metes out justice in the name of an offended country.

This being the first day of open resistance, the commencement of the sacred combat, the Committee proclaim all the sons of Poland free and equal, without distinction of creed and condition. It proclaims further that the land held heretofore by the agricultural population in fee, for corvée labour, or for rent, becomes henceforth their freehold property without any restriction whatsoever. The proprietors will receive compensation from the public treasury. All cottagers and labourers who shall serve the families of those who may die in the service of their country will receive allotments from the national property in land regained from the enemy.

To arms, therefore, ye Poles, ye Lithuanians, and ye Ruthenians! The hour of our common deliverance has struck; the ancient sword is drawn from the scabbard; the sacred flag of our common country is unfurled.

And now we appeal to you, Muscovite nation—miserable and tormented, sad and afflicted with ourselves. Thy sons have also been dangling on gibbets, or have found a frosty death like our own people in the snows of Siberia; therefore we forgive you the murder of our country, the blood of Praga and Oszmiana, the violence in the streets of Warsaw, the tortures in the dungeons of the citadel: but woe to ye, if in this solemn hour ye give assistance to the tyrant who crushes you whilst he murders us; if instead of regret for the past and holy desires for the future, you do this, you shall be accursed and condemned to a shameful and perpetual slavery, and then we must fight you to extermination, the last fight of European civilization with Asiatic barbarity.

Warsaw, January 22, 1863.

The Central National Committee.

No. 10.

Colonel Stanton to Earl Russell.—(Received February 2.)

My Lord, *Warsaw, January* 29, 1863.

THE insurrectionary movement which, as I have already had the honour of reporting to your Lordship, broke out in the Kingdom of Poland on the night of the 22nd instant, has not up to the present moment met with any marked success; nor, as far as I can gather, have the measures of the Government to suppress it been very successful. Several sharp engagements are reported to have taken place between the insurgents and small detachments of troops, and these appear invariably to have resulted in the defeat of the former with loss. But although many prisoners have been taken, various bands still keep the field, the nature of the country assisting their escape. Amongst the prisoners taken are, as is stated, two Russian officers who deserted from the Warsaw garrison. It may, however, be presumed that the outbreak not having succeeded in the first instance, when the troops were surprised in their cantonments, in making any serious impression, can now have no prospects of success, when the troops are prepared, and columns in motion in different districts to hem in or pursue the insurgents.

Considerable inconvenience has indeed been felt by the facility with which the rebels have cut the lines of communication of the Government as well as the telegraphs of the kingdom, and the difficulty of maintaining them in working order is undoubtedly great so long as the rebels are able to keep even a few men together in the vicinity of these lines. The railroad between Warsaw and St. Petersburgh has been seriously injured, some bridges

on the line having been partially destroyed ; but the damage to the other lines has, I believe, been confined to the removal of a few rails.

The movement at present, my Lord, appears to be confined to the working classes of the towns, with a few small proprietors, and some lower Government officials, as well as many of the country clergy ; the larger landed proprietors and peasants, as well as the Jews, keeping aloof from it. The students of the various colleges or schools have also hitherto in general kept quiet, but great pressure is, I believe, applied by the National Committee and its agents to force both the proprietors and students to join the insurrection.

Since the commencement of the movement a large number of proprietors have arrived at Warsaw, where they have held meetings to determine the course of action to be pursued by them, and it is to be hoped that the Government will avail itself of this opportunity of gaining them to its side by some well-timed concession ; and as the socialist nature of the movement can hardly now be doubted, it is highly probable that very many among them would be glad of a pretext for siding with the Government were such offered them.

In the mean time, my Lord, the old reactionary party in the Government are taking advantage of the outbreak, and are intriguing to prevent any concession being offered, and press the necessity of having none but Russians in the Government ; and it is to be feared that their influence may so far prevail as to induce His Imperial Highness the Grand Duke to order the most stringent and bloody measures of repression to be taken against the insurgents, not perceiving that such a course would only strengthen the discontent in this country, as well as excite the indignation of other countries against their cause.

The position of the Marquis Wielopolski in the Government has become more difficult in consequence of this outbreak. The Russian party, who have always been opposed to him, represent him as the immediate cause of the insurrection by having insisted on the conscription being carried out ; and at the same time he receives little or no support from the Polish members of the Government : but, as far as I am informed, his Excellency is countenanced by the Grand Duke and appears still firm in his position.

I have, &c.
(Signed) EDWD. STANTON.

No. 11.

Colonel Stanton to Earl Russell.—(*Received February* 2.)

My Lord, *Warsaw, January* 29, 1863.

THE Government having published in the "Official Gazette" some reports from officers in command in the disturbed districts of this Kingdom, I have the honour to forward translations of these to your Lordship under the belief that they may be relied on as conveying positive information on the present outbreak.

I have also the honour to mention to your Lordship that an order of the day from His Majesty the Emperor, dated the 25th of January, has been published, declaring that rebels taken with arms are to be forthwith tried by court-martial, and empowering the Military Chiefs of the districts of Warsaw, Lublin, Nadnu, Kalisch, Plock, and Augustow to confirm and carry out capital sentences.

I beg further to inform your Lordship that martial law has again been proclaimed throughout the Kingdom of Poland.

I have, &c.
(Signed) EDWD. STANTON.

Inclosure 1 in No. 11.

Extract from the Official "Gazette" of January 26, 1863.

(Translation.)

ON the night of the 22nd January, bands of rebels attacked the scattered detachments of troops dispersed in various places in the Kingdom of Poland ; these bands were armed with firelocks, revolvers, knives, scythes, &c.

In Plock the attack was made at night, and was repulsed : the troops lost two men, taking about fifty armed rebels ; the latter succeeded in carrying away their dead and wounded favoured by the darkness of the night.

In Plonsk an armed band attacked at midnight the 3rd company of the regiment o Mourom : the attack was repulsed, twenty soldiers were wounded, the assailants lost three killed, four wounded, forty-four prisoners, and about 200 stand of arms.

In the village of Jedlno, near Radom, the 4th company of the 2nd battalion of Sappers was attacked at 2 A. M. ; the rebels entered the houses where the soldiers slept, and by surprise and intimidation took possession of their arms and ammunition : from information obtained in the village, and from two prisoners, it appears that the rebels numbered 140.

At 1 P. M. in the small town of Bodzentyn, in the neighbourhood of the ancient convent of St. Croix, on the church bell ringing a number of rebels attacked the troops in their sleep ; the soldiers mounting guard or on duty belonging to the 2nd Rifle company of the Smolensk regiment, and one officer, were either killed or severely wounded : the company assembled and proceeded in the direction of Kielce ; the rebels also had some casualties, but their number is unknown. Two carts with arms were captured from them.

Major Rüdiger, commanding the 1st battalion af the Mohileff regiment of Infantry, received about midnight the intelligence of the approach of armed bands near Szydlowietz. About 2 A. M. he ordered the assembly : the rebels having commenced firing, and the night being very dark, and it being difficult to manœuvre in the narrow streets, he retired about half a verst on the road to Radom : at 7 A. M. the troops reoccupied the town, the rebels moving away on the high road towards Kielce in the direction of the forest ; in the skirmish two soldiers were killed, nine wounded, of whom two are since dead, and eight are missing : forty prisoners were taken with their arms, but the dead and wounded were carried away.

From the Government of Lublin the following information has been received :—

On the morning of the 23rd January, at 4 A. M. the rebels attacked the Artillery Park at Lubartow, but were repulsed by the 9th company of the Vologda regiment. Twenty prisoners were taken. The officer commanding the company, an officer of gendarmes, and several soldiers, were wounded.

Moveable Park No. 2 was attacked at Koden, and the Commander of the Park taken prisoner ; two companies of Infantry were sent to their assistance.

In the village of Buhowo 20 armed rebels were taken, but were liberated by a fresh band of insurgents. A detachment of Lancers has been sent in that direction.

In the town of Radzyn, at midnight, bands of rebels attacked the troops in their quarters, who lost 5 killed and 7 wounded ; among the latter, Major-General Kannabich, commanding the brigade, and Lieutenant-Colonel Meibaum, commanding a battery. The rebels were repulsed.

At the village of Stok, at three and a-half versts from Siedlce, an armed band attacked the 10th Company of the Kostroma Regiment ; the Commander of the company and a large portion of the men were at that time on guard at Siedlce. The troops defended themselves, and 3 having been shut up in a house were, after a desperate defence, burnt with the house. Troops having come to their rescue, the rebels abandoned the village, and fled on country carts that were awaiting them. The loss of the troops was, 7 killed, 5 wounded, and 55 prisoners ; three carts with scythes and other arms were also taken.

At Lukow the rebels, having a force of 300 Foot and 50 Horse, attacked, at 2 A.M., two companies (Nos. 5 and 8) of the Kostroma Regiment. The sentries were killed ; and the rebels having opened fire on the troops, these two companies were drawn up in front of the wall opposite to the Monastery. A company was sent to Lukow from the neighbouring village of Mroczek.

In the town of Biala, Major-General Mamaieff, commanding the 2nd Brigade of Horse Artillery, having obtained early information of the approach of armed bands, assembled his troops. The rebels having heard of this, fled ; 11 prisoners were taken, of whom 9 were armed.

In the Government of Warsaw an armed band proceeded to attack a company of the Vitebsk Regiment near Radomsk. The officer commanding the company has sent 7 armed prisoners, who were seized by the peasants in that neighbourhood.

Two non-commissioned officers of the 1st Battalion of Sappers, and 28 privates, marching on the 23rd instant near Groiec, were attacked by an armed band ; 3 privates were severely wounded, the 2 non-commissioned officers slightly, and 1 man is missing. After the first shots had been fired the band ran away, leaving behind them a cart with two horses, a saddle-horse, and three rifles, a fourth having been found on the highway ; the men sitting in the cart effected their escape.

Inclosure 2 in No. 11.

Extract from the Official "Gazette" of January 27, 1863.

(Translation.)

THE following particulars are collected from various Military Reports lately received:—

General Siemeka has effected a reconnaissance in the forests of Plonsk with three columns. No armed bands have been met with in that locality. Single insurgents have been met with and taken, mostly inhabitants of Warsaw; they were exhausted, hungry, and ragged, mostly very young men, and had abandoned their companions for the purpose of returning to Warsaw; some of them even declared it to be their intention to report themselves to the authorities after their return and plead guilty. Eighteen men were taken in this forest.

The depositions of these and other prisoners concur in showing that these bands consist of men who were enticed to leave Warsaw by persons unknown to them, who persuaded them that all males from 16 to 30 were to be made recruits, desiring them to proceed in the direction either of Blonie or of Serock.

At these places they found commanders whose names are not known to them, as they called each other by their initials. By these they were conducted into the forests, and told that they were to assist in the formation of a national army; good food, pay, and arms being promised them, none of which were found them. Their rations consisted of bread and raki, and it was only by threats of capital punishment that they were induced to follow their leaders.

From this it may be gathered that the majority of stragglers are the victims of the Red party, whom in this as in so many other instances it has deluded by misrepresentations into serving as a nucleus for a supposed insurrection. The peasants steadily refuse to take a part in the movement, and such landowners as give the insurgents any assistance in the shape of food or money, or conceal any of them, do so under the terrorism of the Revolutionary party. The movement consists exclusively of small landed proprietors, the lower class of officials, and of upper farm servants.

The defeat of the insurgents at Plock and Plonsk has had the result to dishearten and demoralize them. No large band has since been discovered in these localities or in the neighbourhood of Modlin; on the contrary, the men taken in the large forests situated near those places are all of them deserters from different bands which have disappeared.

No. 12.

Lord Bloomfield to Earl Russell.—(Received February 2.,

(Extract.) *Vienna, January 29, 1863.*

THE insurrectionary movement in the Kingdom of Poland has caused considerable anxiety to the Austrian Government, but they have not taken any other than the usual precautionary measures which prudence dictates under such circumstances, and Count Rechberg assured me this morning that there had been no disturbance amongst the Polish population of the Austrian Empire, neither did there appear to be any connection between them and the movement in the kingdom.

I asked Count Rechberg how he accounted for the outbreak. He explained that, according to the information he had received, the Russian Government were partially in fault. They were aware of a conspiracy, and had obtained a list of people supposed to be concerned in it, and in order to prevent the outbreak they had ordered the seizure of these people for military service, and found them fully prepared for armed resistance.

No. 13.

Lord Bloomfield to Earl Russell.—(Received February 2.)

My Lord, *Vienna, January 29, 1863.*

I HAVE the honour to inform your Lordship that Count Rechberg received a telegram this morning from Count Thun at St. Petersburgh, reporting that Prince Gortchakoff had complained to him that arms had been supplied to the insurgents in Poland from Cracow, and had hinted that this was not entirely unknown to the authorities.

Count Rechberg seemed very indignant at such an insinuation, and telegraphed at

once to Count Thun to the effect that the Imperial Government would be very thankfu for any information that could lead to the discovery of persons engaged in such plots in the Austrian dominions.

I have, &c.
(Signed) BLOOMFIELD.

No. 14.

Mr. Murray to Earl Russell.—(Received February 2.)

My Lord, *Dresden, January 30, 1863.*

AS the Saxon Chambers are not sitting now, and the country is in a state of quiet and general prosperity, the attention of those who take an interest in political matters is naturally turned to the events which are taking place in the neighbouring countries of Prussia and Poland. With respect to the former, your Lordship is doubtless kept fully and accurately informed through Her Majesty's Mission at Berlin, but in respect to the latter you may find some difficulty in obtaining any information that can be relied upon, neither have I the means of sending your Lordship any direct intelligence from the districts where the revolt has taken place; but as there are a great many Poles here, refugees and others, I have occasional opportunities of learning their sentiments, although there are very few of them with whom I am personally acquainted.

So far as I am able to ascertain, the insurrection has not been organized or countenanced by the political leaders of the anti-Russian party, and is regretted by them as being ill-advised, premature, and calculated to do more harm than good to their cause. These opinions would, of course, undergo a total change if there were any symptoms of success attending the movement, but for the present the impression among them seems to be such as I have described to your Lordship; the events of the next two weeks will probably determine whether it is to be numbered among the local and partial outbreaks of which several have before occurred and been easily quelled, or whether it is to assume the proportions of a national insurrection.

I have, &c.
(Signed) CH. A. MURRAY.

No. 15.

Lord Bloomfield to Earl Russell.—(Received February 9.)

(Extract.) *Vienna, February 5, 1863.*

IN the course of a conversation which I had yesterday with Count Rechberg, I inquired what news he had from Poland.

His Excellency said the insurrection in the kingdom was assuming greater dimensions than he expected last week, and the Government were naturally alarmed on the subject, as the excitement was spreading across the frontier. At present there were no very serious symptoms of active sympathy, but many strangers had already crossed over into the Imperial dominions. They would be taken care of, and returned when order was re-established; and in the meantime the Imperial Government could not be otherwise than anxious as to the extension the movement may assume.

I understood from him that all officers on leave and men on furlough had been ordered to their regiments in Gallicia, and I believe that the cavalry will be strengthened; but the Government are much averse to any unnecessary dislocation of troops at this moment on account of the season, as well as of the additional expense.

I inclose a police notice from Lemberg, with a translation by Mr. Mounsey, which the Imperial Government have issued with a view to deter people from enrolling themselves in the revolutionary bands now holding their Committees in Gallicia.

Inclosure in No. 15.

Notice.

(Translation.) *Lemberg, February 3, 1863.*

A NOTICE, dated the 2nd instant, was issued to-day by the Director of Police to the following effect:—

"For some days past persons have been enrolled here for the purpose of passing the

frontier and joining the insurgents in Poland. A considerable number of armed young men have also lately left the town. The Director of Police calls attention to the fact that such enrolment, as well as any attempted passage of the frontier with the above-mentioned intention, will be treated according to paragraph 66 of the Criminal Code."

No. 16.

Mr. Lowther to Earl Russell.—(Received February 9.)

My Lord, *Berlin, February 6, 1863.*

I HAVE the honour to inform your Lordship that General Alvensleben, an aide-de-camp of His Majesty the King, has left Berlin for St. Petersburgh. It is supposed that the object of his journey is to obtain accurate information relative to the disturbances now taking place in Warsaw, and if possible make some arrangement with the Russian Government by which the Polish insurgents may be prevented from crossing the frontier and coming into Prussia, where their presence would create alarm and endanger the security of property which may be at some of the Government offices.

M. de Raneh, another aide-de-camp of His Majesty, has been sent also to Warsaw.

I have, &c.

(Signed) W. LOWTHER.

No. 17.

Mr. West to Earl Russell.—(Received February 13.)

My Lord, *Turin, February 10, 1863.*

AN attempt was made yesterday by one of the members of the Extreme Left to embarrass the Government by asking them for explanations on the affairs of Poland.

Count Pasolini said that he considered a discussion on this subject premature; that instructions should be given to the Italian Agents in accordance with the principles of Italian policy, and deprecated this interruption to the business before the Chamber. A somewhat animated discussion ensued, caused by the persistence of the Extreme Left in endeavouring to obtain from the Chamber a public expression of sympathy with the Polish insurrection, but the orders of the day to this effect were ultimately rejected.

Count Pasolini was then called upon to state whether there was any truth in certain reports as to the intended cession of the Islands of Elba and Sardinia to France, and he replied simply by an emphatic "No."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 18.

Lord Napier to Earl Russell.—(Received February 16.)

My Lord, *St. Petersburgh, January 29, 1863.*

I HAVE the honour to transmit to your Lordship herewith, in reference to my despatch of the 26th of January, an extract of the "Journal de St. Pétersbourg" containing the official version of the speech addressed by the Emperor to the Ismaillofski Regiment on the $\frac{12}{25}$th instant concerning the revolt in Poland.

I have, &c.

(Signed) NAPIER.

Inclosure in No. 18.

Extract from the "Journal de St. Pétersbourg" of January $\frac{14}{26}$ and $\frac{15}{27}$, 1863.

HIER Dimanche, 13 Janvier, à la fin de la parade du Régiment des Gardes Izmaïlovski, au manége Michel, Sa Majesté l'Empereur a appelé auprès de lui tous les officiers présents à la parade et leur a adressé l'allocution suivante:

"Comme beaucoup d'entre vous, Messieurs, ignorent probablement les derniers événements du Royaume de Pologne, je veux que vous les appreniez par ma bouche.

"Après le recrutement, qui s'est terminé d'une manière si satisfaisante à Varsovie, du 2 au 3 Janvier, des bandes d'insurgés ont commencé à se montrer dès le 6 sur les deux rives de la Vistule. Des détachements ont été immédiatement envoyés pour les disperser. Enfin, dans la nuit du 10 au 11, une attaque subite a été dirigée dans tout le Royaume, à l'exception de Varsovie, contre nos troupes distribuées dans leurs cantonnements. Des atrocités inouïes ont été commises : ainsi, par exemple, aux environs de Siedlce, nos soldats attaqués ont fait une défense désespérée dans une maison que les insurgés ont incendiée, ne trouvant pas d'autre moyen de s'en emparer ; néanmoins, nos braves troupes ont dispersé partout les rebelles.

"D'après les premières informations, nos pertes se bornent à trente hommes tués, et dans le nombre, notre vieux frère d'armes du Régiment d'Izmaïlovsky, le Colonel Kozlianinow, Commandant du régiment d'Infanterie de Mourom. Le nombre de nos blessés s'élève à 100, et parmi eux le Général Kannabich. Une tentative semblable a eu lieu près de Bialystok, sur le territoire même de l'empire.

"Cependant, même après ces nouvelles atrocités, je ne veux pas accuser toute la nation Polonaise. Je vois dans tous ces pénibles événements le travail du parti révolutionnaire, voué partout au renversement de l'ordre légal.

"Je sais que ce parti compte trouver des traîtres jusque dans nos rangs ; mais il n'ébranlera pas ma foi dans le dévouement à ses devoirs qui distingue ma fidèle et glorieuse armée.

"Je suis convaincu qu'aujourd'hui plus que jamais, chacun de vous, sentant et comprenant toute la sainteté du serment, fera son devoir comme l'exige l'honneur de notre drapeau.

"J'ai moi-même commencé à servir dans vos rangs ; plus tard j'ai eu l'honneur de vous commander pendant quelques années, et c'est pourquoi vos sentiments de dévouement me sont bien connus : j'étais fier de vous devant feu l'Empereur mon père.

"Je suis sûr que, si les circonstances l'exigent, vous montrerez encore aujourd'hui à l'œuvre que je puis compter sur vous et que vous justifierez mon entière confiance."

Les paroles prononcées par Sa Majesté l'Empereur ont été accueillies par d'enthousiastes et unanimes hourras.

(Translation.)

YESTERDAY, Sunday, the 13th January, at the close of the parade of the regiment of Guards Izmaïlovski at the riding-school Michel, His Majesty the Emperor summoned all the officers present at the parade, and delivered to them the following address :—

"As many among you, gentlemen, are probably ignorant of the last events in the Kingdom of Poland, I wish you to learn them from my mouth,

"After the recruiting of January 2nd to 3rd, which terminated in so satisfactory a manner at Warsaw, some bands of insurgents commenced, on the 6th, to show themselves upon both banks of the Vistula. Detachments were immediately sent to disperse them. Lastly, in the night from the 10th to the 11th, a sudden attack was made throughout the Kingdom, excepting at Warsaw, upon our troops, distributed in their cantonments. Unheard-of atrocities were committed ; thus, for example, in the neighbourhood of Siedlce our soldiers when attacked made a desperate defence in a house which the insurgents set on fire, finding no other means of possessing themselves of it ; nevertheless, our brave troops everywhere dispersed the rebels.

"According to my first information our losses are confined to thirty men killed, and in the number, our old brother in arms of the regiment Izmaïlovsky, Colonel Kozlianinow, Commander of the regiment of Infantry Mourom. The number of our wounded amounts 100, and among them is the General Kannabich. A similar attempt has been made near Bialystok, upon the territory of the Empire itself.

"Still, even after these fresh atrocities, I do not desire to accuse the whole Polish nation. I see in all these painful events the hand of the revolutionary party, binding itself everywhere to overset the order of law.

"I know that this party reckons on finding traitors even in our ranks ; but it shall not shake my confidence in the devotion to its duty which distinguishes my faithful and glorious army.

"I am convinced that to-day more than ever each of you, feeling and appreciating your oath in its full sacredness, will do his duty in the manner that the honour of our flag demands.

"I myself commenced my service in your ranks ; later I had the honour of commanding you during some years, and it is for that reason that your sentiments of devotion are well known to me. I was proud of you before the late Emperor my father.

"I am sure that, if circumstances demand it, you will again to-day show upon occasion that I can reckon upon you, and that you will justify all my entire confidence."

The words spoken by His Majesty the Emperor were received with enthusiastic and unanimous hurrahs.

No. 19.

Lord Napier to Earl Russell.—(*Received February* 16.)

(Extract.) *St. Petersburgh, February* 4, 1863.

THE "Invalide Russe," the official organ of the Russian War Department, announced in its number of yesterday's date that it was considered necessary, in consequence of the recent events in Poland, to strengthen the Cavalry stationed in that country. With this object, the Cavalry regiments of the Guard which were to have been sent to Warsaw in the spring are to be dispatched at once to Vilna.

The Body Guard and Ataman Regiments of Cossacks accordingly left this capital for Poland yesterday by the Dünaburg and Kovno Railway. The Lancers of the Guard, the Grodno Hussars, and the Light Horse Battery of the Guard, No. 3, will be shortly despatched in the same direction.

No. 20.

Lord Napier to Earl Russell.—(*Received February* 16.)

(Extract.) *St. Petersburgh, February 7,* 1863.

THE official journal of the 4th instant contained the inclosed article, which embodies an authoritative apology for the policy of the Russian Government in the matter of the recruitment in Poland.

The Russian Government admit that the method of recruitment by arbitrary selection is an "abnormal" measure, that it can scarcely be reconciled with the notions of strict legality; but the Government contend that this measure is forced upon authority in self-defence, that it is the consequence of that permanent revolutionary agitation of which Poland is the instrument and scene, not the primary cause of the revolt which has broken out in that country.

If we look to the extent and organization of the present revolutionary movement in Poland, it seems highly probable that it has been long premeditated. It does not appear to be the work merely of men driven to desperation by the prospect of seizure, or of those actually torn by the military violence of the Russian Government from their homes. It has all the aspect of a systematic well-laid scheme. It is the fruit of a wide-spread conspiracy, set in motion and armed from abroad. The military recruitment enforced by the Russian Government has been the opportunity, not the first instigation. It probably forced on the explosion prematurely, by threatening to carry off a number of persons embarked in the revolutionary cause, and it may have placed at the disposal of the revolutionary leaders a number of persons who would not have appeared in arms unless they had been threatened with the deprivation of their personal freedom.

The Russian Government avow that their authority cannot be maintained by strict legality. "Legality," they say, "is our death;" and they confess that the recruitment was to be employed as the means of dispersing, gagging, and shutting-up their political adversaries.

In my humble opinion neither the previous existence of the conspiracy nor the object of breaking up the revolutionary organization can justify the measure of arbitrary recruitment. This measure seems to me to violate all the principles of justice and policy, and to be of very doubtful efficacy in a material point of view. The Government of Russia is no longer founded on the reign of mere brute force. It makes a public and incessant appeal to the sympathies of Europe, and it has nowhere greater need of this moral support than in the administration of Poland. During the last two years several measures have been inaugurated both in the Empire and in the Polish Kingdom, which have earned for the Russian Sovereign the good will of all reasonable friends of human progress, and have inspired in the commercial and financial classes of Europe some confidence in the solidity and morality of the Russian Government. But the exercise of arbitrary military violence in connection with the recruitment is out of all keeping with

these humane and intelligent tendencies. It is an exception so flagrant and offensive to the general system that it tends to shake the public faith in the sincerity and consistency of the Government, and awakens unpleasant apprehensions of its future policy in other respects. But, indeed, the course followed by Government was peculiarly unhappy, in this,—that it not only sanctioned a superannuated and reactionary measure, but it actually repealed or suspended a good law, that of 1859, for the purpose of putting in operation the barbarous enactments of an earlier period. No success in capturing political antagonists, no mere material gain, could counterbalance the loss of moral sympathy which would necessarily attend the prosecution of such a course, even if it had been pacifically and successfully carried out.

If, on the other hand, the Russian Government had carried into effect the provisions of the equitable law of military conscription promulgated in 1859, and had in so doing provoked resistance on the part of the Polish people, the Government would have had on its side the sympathies of observant and intelligent Europe; for reasoning men will admit that an army must be raised, and that Poland must contribute to it, and they would have recognized that the system applied in Poland was of a humane and more civilized character than that which was exercised in the Empire proper.

The Government have not only, in a moral point of view, committed a great error, but have positively lost an opportunity of gaining a great advantage.

The Russian Government flatters itself that they will confirm their material position by effecting the military levy, and even by provoking and suppressing the insurrection, for they have forced their enemies into the light, and will be able to strike them in greater numbers and on a wider field.

Many patriotic Poles will, no doubt, be killed or sent to the Asiatic provinces, or laid in life-long military bondage, and the material strength of the Revolutionary party may be diminished for a time; but for every patriot slain, silenced, or shut up, a hundred may perhaps be created in the new generation, which will succeed to a fresh inheritance of animosities and vengeance. Nor will the Government be able to lay hands on all its internal enemies; and, moreover, the Polish emigration and the great revolutionary contrivers lie abroad, beyond the reach of Russia, ever ready to repair the broken web of conspiracy. It may also be asked whether the Russian Government acts wisely in consenting to embody so many revolutionary elements in the ranks of its army, and we may doubt whether the Russians of patriotic national sentiments will be contented to see the military service of their country used as an instrument of political terror and as the penitentiary of political offenders.

Neither in a moral nor a material point of view does the measure of arbitrary recruitment appear well devised in the interest of the Russian Government, and whatever may now be said, I know very well that the most influential persons, in the Russian Administration as well as at Court, privately blame the measure, disavow all participation or responsibility in it, and impute the whole guilt and misfortune to the headstrong confidence of Marquis Wielopolski.

That Marquis Wielopolski approved the measure there can be no doubt. He avows it now and defends it still.

Inclosure in No. 20.

Extract from the "Journal de St. Pétersbourg" of $\frac{\text{January 23}}{\text{February 4}}$, 1863.

LES feuilles étrangères, dans leurs appréciations des derniers événements de Pologne, insistent particulièrement sur l'illégalité du recrutement et affectent d'y voir la cause véritable et légitime du soulèvement des provinces.

Les entrepreneurs de révolution en commandite, qui, de leur paisible abri, ont été les instigateurs de cette sanglante et douloureuse tragédie, ont dû sourire en lisant cette naïve assertion.

Ils savent parfaitement à quoi s'en tenir sur la question de savoir si la révolution a été la conséquence du recrutement, ou si c'est le recrutement qui a été nécessité par la révolution.

Il n'est pas besoin de posséder une dose exceptionnelle de pénétration pour apercevoir le travail révolutionnaire qui depuis plusieurs années prépare le bouleversement de l'Europe et choisit chaque printemps pour l'échéance de ses entreprises.

Ce travail a été déjoué jusqu'à présent par différentes circonstances qui tiennent à la politique générale. Mais rien ne l'a découragé. Pour ceux qui vivent du désordre, le maintien de l'ordre est un suicide qu'on ne peut évidemment pas attendre de leur bonne volonté.

Le devoir des Gouvernements était donc de se montrer aussi infatigables pour la défense de la société que le sont ses implacables adversaires.

La Pologne était l'un des principaux foyers de leur activité ; ils trouvaient dans les passions d'un patriotisme et de convictions religeuses faciles à égarer parmi des populations généralement peu éclairées, tous les éléments d'action que recherchent les artisans des révolutions. Ce qu'il fallait avant tout aux chefs, c'était une armée du désordre. Grâce aux ressources qu'un régime de terreur, emprunté aux traditions les plus sauvages du moyen âge, extorquaient à la majorité paisible mais inerte et timide des habitants, cette armée a été facilement recrutée. La populace de Varsovie et des principales villes du Royaume, démoralisée comme l'est celle de toutes les grandes cités, la classe de la petite bourgeoisie et de la petite noblesse, qui a en Pologne une physionomie tout à fait à part, offraient au comité d'action cet élément bien connu dans tous les pays qui ont subi des crises révolutionnaires, c'est-à-dire, une masse d'individus ayant tout à gagner et rien à perdre au désordre.

Si l'on voulait déjouer et paralyser cette ténébreuse entreprise, ce n'était donc point à la tête qu'il fallait la frapper. La tête est insaisissable, grâce à l'abri qu'elle trouve au dehors ; c'était le bras qu'il fallait atteindre, les armes qu'il fallait saisir, les instruments qu'il fallait rendre inoffensifs.

C'est ce qu'a fait le Gouvernement Russe.

Nous ne contestons nullement que la mesure qui a fait peser le recrutement sur la populace des villes, en exemptant la population des campagnes, ne soit une mesure anormale.

Mais avant d'exiger du Gouvernement une stricte légalité, qu'il ne demanderait pas mieux que de pouvoir observer, il faudrait d'abord veiller à ce que les attaques contre lesquelles il est appelé à se défendre ne sortissent pas de la voie légale.

Un mot profond a été dit dans un autre pays à une époque de crise : "La légalité nous tue." Si ce mot était vrai de la part d'un Gouvernement qui n'avait devant lui qu'un ennemi intérieur, il doit l'être à bien plus forte raison pour un Gouvernement dont la tâche est de protéger le pays contre des agressions venues du dehors.

C'est ce qu'oublient trop les publicistes doctrinaires épris de légalité. Ils ne songent pas à la position exceptionnelle que fait au Gouvernement Russe cette conspiration permanente ourdie à l'étranger, couverte d'une protection qui la rend insaisissable, pouvant en toute sécurité tramer ses complots, agiter, bouleverser, pervertir le pays, sans s'exposer à aucune des conséquences qu'entraînent partout ailleurs les entreprises révolutionnaires.

C'est bien le moins qu'attaqué de cette sorte, le Gouvernement Russe ait la faculté de désarmer chez lui un agresseur qu'il ne peut rencontrer face à face.

La mission que s'est donnée le Gouvernement Russe est de réconcilier deux peuples issus de la même famille, séparés par les fatalités de l'histoire, mais réunis par la force irrésistible des choses ; d'apaiser les passions qui les divisent, de les amener à coexister en paix, à développer parallèlement leur prospérité, leur richesse, leur génie national, en se prêtant mutuellement concours et affection, au lieu de se haïr et de s'entredétruire. Cette tâche, il y travaille avec une persévérance que ne lasseront pas ces coupables menées. Ceux qui se mettent en travers sont les ennemis de la Pologne non moins que les siens.

Le Gouvernement Russe ne se sent aucune tendresse pour eux.

Il réserve sa sollicitude pour la population paisible des villes et des campagnes, qui vit d'ordre et de travail et qui est la première intéressée à la répression de tentatives qui ne peuvent que compromettre le progrès réel du pays dans la voie des améliorations et des réformes qui lui a été ouverte. Là est, à ses yeux, la vraie Pologne.

Quant aux malheureux qui se laissent corrompre ou égarer pour le service d'une cause anti-patriotique et anti-sociale, tout ce que le Gouvernement pouvait faire, c'était de les soustraire à ces détestables influences, de les préserver de leurs propres entraînements en les mettant hors d'état de nuire à la partie saine de la société. C'était là précisément le but du recrutement, et il aurait épargné à beaucoup de ces infortunés les misères, les souffrances, et les châtiments auxquels les ont exposés d'impitoyables meneurs.

Le prétexte soi-disant légal dont ils se couvrent ne saurait tromper personne. Ils n'ont pas attendu ce prétexte pour ourdir leurs complots contre la tranquillité publique. Il y a des années qu'ils se trament à la face de toute l'Europe. Depuis plusieurs mois le Gouvernement était informé de leurs projets ; il savait parfaitement que le recrutement serait le signal d'une explosion toujours ajournée. Mais il savait aussi que si ce prétexte était choisi, c'était précisément parce que les chefs se sentaient frappés directement par une mesure qui allait leur enlever leurs victimes et les priver des moyens de bouleverser leur patrie.

Le Gouvernement devait donc y voir un motif de persévérer dans sa résolution de

purger la Pologne de ces éléments de trouble, de la rendre à elle-même et à la liberté de ses propres inspirations. Lorsque le Gouvernement n'aura plus qu'elle en face de lui, il ne demande pas mieux que d'en revenir à l'ordre légal qu'il a lui-même inauguré.

La tournure que prennent les événements dans le Royaume prouve d'ailleurs combien le mouvement était factice et superficiel, combien peu il rencontre de sympathies parmi les classes laborieuses, et combien par conséquent, le Gouvernement était fondé à le considérer comme une entreprise étrangère, nuisible, hostile au bien-être réel du pays. Les théories émises par les insurgés dans leurs Proclamations, les violences et les atrocités qu'ils ont commises attestent également quel but anti-social se cachait derrière l'étalage d'un faux patriotisme.

Sous ce rapport, les événements, si douloureux qu'ils soient, renferment d'utiles leçons. Nous avons l'espoir qu'elles ne seront perdues ni pour la Pologne ni pour les opinions honnêtes et sensées en Europe.

(Translation.)

THE foreign papers, in estimating late events in Poland, insist particularly on the illegality of the recruitment, and affect to see in it the veritable and legitimate cause of the rising of the Provinces.

The concocters of revolution in a body, who, from their peaceful shelter, have been the instigators of this bloody and grievous tragedy, must have smiled at reading this foolish assertion.

They perfectly well know what opinion to hold as to the question of knowing whether the revolution has been the consequence of the recruitment, or whether it was the recruitment which was necessitated by the revolution.

There is no need to possess exceptional powers of penetration in order to perceive the revolutionary labour which for many years has been preparing the overthrow of Europe, and choosing each spring for putting their enterprises into execution.

This work has been hitherto baffled by different circumstances connected with general policy. But nothing has discouraged it. For those who live by disorder the maintenance of order is suicide, which is evidently not to be expected from them with a good will. The duty of Governments, accordingly, was to show themselves, in the defence of society, as indefatigable as are its implacable adversaries.

Poland was one of the principal seats of their activity. They found in the passions of a patriotism and of religious convictions easily led astray in populations generally little enlightened, all the elements of action which are sought after by the workers of revolutions. What the chiefs required, above all, was an army of disorder. Thanks to the resources which a terrorizing system, borrowed from the most savage traditions of the middle ages, extorted from the peaceable but inert and timid majority of the inhabitants, that army was easily recruited. The populace of Warsaw and of the principal cities of the kingdom, demoralized as is the case in every large city, the class of the humbler burgesses and of the lesser nobility, which in Poland bears a character quite peculiar to itself, offered to the Party of Action that well-known element in all countries which have undergone revolutionary crises, that is, a mass of individuals having everything to get and nothing to lose by a state of disorder.

If, then, it was wished to baffle and paralyze this dark enterprise, it was not on the head that it ought to be struck. The head is not to be held, thanks to the shelter which it obtains from without; it was the arm which must be attacked, the implements of war must be seized, the instruments must be rendered inoffensive.

That is what the Russian Government has done.

We in no way dispute that the measure which has made recruitment press heavily upon the populace of the cities, while exempting the rural population, is not a normal curse.

But before demanding of the Government a strictly legal course, which they would have the greatest satisfaction in being able to observe, the first duty is to watch that the attacks against which they are called upon to defend themselves are not made otherwise than in a course agreeable to the law.

A word of deep meaning has been uttered in another country at a period of crisis:—"Legality slays us." If this were a true word on the part of a Government which was opposed only by an enemy from within, it should be so with much greater reason with a Government whose task it is to protect the country against aggressions coming from without.

This is what theoretical publicists enamoured of legality too often forget. They do not call to mind the exceptional position in which the Russian Government are placed by

this permanent conspiracy plotted abroad, covered with protection which places it out of their grasp, able in perfect security to devise their plots, to agitate, convulse, mislead the country, without exposing itself to any one of the consequences which revolutionary enterprises bring with them in every other quarter.

Much the least point is it that the Russian Government, attacked in this fashion, has the power to disarm on their own territory an aggressor whom it is not open to them to meet face to face.

The mission which the Russian Government has imposed upon itself is to reconcile two races sprung from the same family, separated by their historical fates, but reunited by the irresistible force of things; to appease the passions which divide them, to lead them to co-exist in peace, to develope side by side their prosperity, their riches, their national genius, by mutually affording to each other assistance and affection in place of hating and mutually destroying each other. This task it labours at with a perseverance which these wicked intrigues will not wear out. Those who thwart its design are the enemies of Poland no less than its own.

The Russian Government has no tender feeling whatever towards them.

They reserve their anxious care for the peaceful populations of the towns and the country districts which live by order and toil, and which above all is interested in the repression of designs which cannot but compromise the true progress of the country in the path of amelioration and of reform which has been opened to it. Therein lie, in the opinion of the Russian Government, the true interests of Poland.

As for the unfortunate ones who allow themselves to be corrupted or led astray in the service of a cause hostile to patriotism and to society, all that the Government could do for them was to withdraw them from those detestable influences, and to preserve them from the results of their own impulses by putting it out of their power to harm the sound portion of society. That was precisely the object of the recruitment, and it would have spared many of these unfortunate men the miseries, the sufferings, and the punishments to which unpitying leaders have exposed them.

The pretext of legality, so-called, with which they shield themselves can deceive no one. They have not waited for this pretext to devise their plots against the public tranquillity. For years these have been hatching in the face of all Europe. During several months past the Government has been informed of their projects; it was perfectly aware that the recruitment would be the signal of an explosion continually deferred. But it was also aware that if this pretext was chosen, it was chosen precisely because the chiefs felt themselves directly struck by a measure which was about to rob them of their victims and to deprive them of the means of convulsing their country.

The Government, then, was bound to see in this a motive for perseverance in their resolution to purge Poland from these elements of troubles, to restore her to herself and to the freedom of her own inspirations. When the Government shall no longer have more opponents than herself, it asks for nothing better than to return to the legal order which it has itself inaugurated.

The shape assumed by events in the Kingdom proves, moreover, how much the movement was artificial and superficial, how little sympathy it meets with among the labouring classes, and how much, consequently, the Government was justified in considering it an alien hurtful enterprise, hostile to the real welfare of the land. The theories put forth by the insurgents in their Proclamations, the violence and the atrocities committed by them, equally demonstrate how anti-social an object was hid behind the parade of false patriotism.

In this view, the events, grievous as they are, afford useful lessons. We have the hope that they will neither be lost upon Poland nor upon honest and sensible opinion in Europe.

No. 21.

Lord Napier to Earl Russell.—(*Received February* 16.)

My Lord, *St. Petersburgh, February* 8, 1863.

I HAVE the honour to inclose herewith an extract from the "Journal de St. Pétersbourg" of this date, by which we are informed that the insurrectionary forces in Poland tend to concentrate themselves, and that strong bodies have drawn together at two points—on the east at Wengrow, in the Government of Lublin, and towards the south at Wachock, in the Government of Radom. The insurgents have, however, by the official account, been already expelled from the former of these positions.

The Minister of the Interior told me last night that the strange story, published in yesterday's paper, of an attempt to poison Marquis Wielopolski and the whole of his family and household, is certainly authentic. His Excellency also vouches for the report of the murder of a woman by a priest, because she would not reveal the hiding-place of her husband. The priest was subsequently put to death by the neighbouring peasants. These horrid incidents mark, in the opinion of M. Walnieff, the ferocious exasperation with which the revolutionary party have entered upon the struggle. Many anecdotes of the barbarity of the insurgents are indeed circulated, but I do not repeat them to your Lordship; they cannot be strictly authenticated, and they are such as have unhappily accompanied revolutionary outbreaks and partizan warfare in all countries in every age. No mention is naturally made here of the severities which may not improbably be perpetrated by the Imperial troops.

In justice to the Imperial Government I am bound to state that there has been no inflammatory publication of the alleged atrocities of the insurgents in the official newspapers. I have, indeed, been assured that Prince Gortchakoff has deprecated the circulation of these stories, as tending to produce an excess of animosity on the part of the Russians.

The Government continue to affirm that the rural population are indifferent to the National cause, or even friendly to the Russian authorities. Persons connected with Poland here, or possessing revolutionary sympathies, with equal confidence deny that such is the case.

It is certain that about thirty Polish officers have deserted to the Revolutionary party.

The Roman Catholic priests undoubtedly take a very leading share in the movement, and use all their spiritual influence in instigating the people to resistance.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 21.

Extracts from the "Journal de St. Pétersbourg" of $\frac{\text{January 27}}{\text{February 8}}$, 1863.

LES nouvelles de Pologne, que nous nous sommes empressés d'insérer dans notre journal au fur et à mesure qu'elles nous parvenaient par les voies télégraphiques ou postales, dessinent avec une netteté chaque jour plus grande le caractère du mouvement insurrectionnel et confirment de point en point nos premières appréciations.

A mesure que les désordres se prolongent, l'attitude des populations rurales devient de plus en plus hostile au parti révolutionnaire, et un incident des plus regrettables, qui se trouve relaté dans l'article de "l'Invalide" que nous avons reproduit dans notre numéro d'hier, prouve que les exactions, les déprédations et les violences de tout genre commises par les meneurs de l'insurrection commencent à lasser la patience du peuple et à provoquer en lui une exaspération facile d'ailleurs à concevoir.

Ainsi, par exemple, l'exécution sommaire de ce prêtre récollet qui avait assassiné de sa main une paysanne du village de Sanniki et incendié sa maison parce qu'elle s'était refusée à lui révéler où se trouvait son mari qu'on voulait enrôler de vive force, prouve que le prestige religieux dont le bas clergé Polonais a fait un si funeste usage decroît sensiblement.

Il faut espérer, du reste, que cet acte de représailles n'est qu'un fait isolé qui ne se reproduira pas ailleurs, car il a été sévèrement enjoint aux paysans de ne pas se rendre justice eux-mêmes et de se borner à saisir les insurgés et à les remettre aux autorités locales, le Gouvernement Impérial étant fermement résolu à ne jamais employer des moyens qui pourraient lui faciliter, il est vrai, l'œuvre de répression, mais qui répugnent à ses immuables principes de loyauté et d'humanité.

Dans plusieurs localités, du reste, cette pensée a été comprise et mise à exécution, et c'est grâce aux indications des paysans et à leur concours dévoué qu'on est parvenu à disperser une partie des bandes d'insurgés et à faire bon nombre de prisonniers.

Il est fort probable aussi que cette attitude de la masse populaire a été le motif principal et déterminant du revirement qui s'est opéré en dernier lieu dans la tactique des rebelles.

Au lieu de persévérer dans le système de guérillas qui était le plus conforme à leurs moyens et le plus propice à une guerre d'insurrection, puisqu'il mettait le Gouvernement dans l'obligation de disséminer ses troupes et de les fatiguer en marches et en contre-marches à la poursuite d'un insaisissable adversaire,—les insurgés ne trouvant pas dans les campagnes le concours et l'appui sur lesquels ils comptaient, sont obligés de se concentrer.

Les deux points principaux de concentration qui semblent avoir été choisis sont Wengrow, dans le Gouvernement de Lublin, et Wachock, dans celui de Radom.

A Wengrow, les insurgés sont au nombre de 6,000 environ, et c'est là que paraît s'être établie la direction centrale et supérieure du mouvement. A la date du $\frac{19}{31}$ Janvier les nouvelles étaient qu'on y élevait à la hâte des fortifications, qu'on barricadait les rues et que l'on creusait des fossés : mais la dépêche télégraphique insérée dans notre numéro d'avant-hier, $\frac{25\text{ Janvier}}{6\text{ Fevrier}}$, nous a déjà informés que deux jours après, c'est-à-dire, le $\frac{21\text{ Janvier}}{2\text{ Fevrier}}$, cette position avait été enlevée après un combat opiniâtre, et que les débris de cette bande principale se sont dispersés dans les forêts avoisinantes, où ils sont activement poursuivis.

A Wachock, les forces insurrectionnelles s'élèvent à 3,000 ou 4,000 hommes, qui ont commencé par brûler le pont de Bialobrzegi sur la Pilica, afin d'intercepter les communications avec Varsovie, et qui se préparent à la résistance.

Les télégrammes d'hier nous apprennent enfin que dans le Gouvernement de Grodno et sur les frontières de la Prusse et de la Galicie, quelques bandes isolées se montrent tantôt sur un point, tantôt sur l'autre ; mais elles sont vigoureusement poursuivies, et dans toutes les rencontres qui sont signalées elles ont été battues en essuyant des pertes fort considérables.

Les nouvelles complémentaires qu'on a reçues attestent que ni les paysans ni les colons ne sont sympathiques au soulèvement ; loin de là, ils s'opposent parfois de vive force aux tentatives des conjurés, et s'appliquent à seconder de toute manière les mesures du Gouvernement, en arrêtant les vagabonds pour les livrer à nos troupes.

A Krubin, métairie située près de la petite ville de Gombin, district de Gostynin, un prêtre Catholique, excitant les paysans à se réunir aux révoltés, a tué de sa propre main une femme qui refusait d'indiquer le lieu où se trouvait son mari absent, et a ensuite mis le feu à l'habitation de sa victime. Le jour suivant, ce même prêtre fut surpris et tué par les paysans. Il était à cheval et accompagné d'un ouvrier de fabrique ; ce dernier parvint cependant à se sauver, après avoir abandonné un fusil, un poignard et deux sabres, dont l'un avait appartenu à un gendarme que ce même prêtre avait fait périr précédemment.

Nos troupes, réparties en détachements séparés, ont commencé à prendre l'offensive et à agir en colonnes mobiles contre les principales bandes d'insurgés ; on a maintenant des renseignements assez précis sur leurs positions.

(Translation.)

THE news from Poland, which we hastened to insert in our journal as quickly as they reached us, by means of the telegraph or of the post, delineate with a precision every day greater the character of the insurrectional movements, and confirm point by point our first estimate.

Along with the prolongation of disorder, the attitude of the rural populations becomes more and more hostile to the revolutionary party, and one incident of the most lamentable nature, which is related in the article of the "Invalide" which we have reproduced in our number of yesterday, proves that the exactions, the depredations, and the violence of every kind committed by the leaders of the insurrection, begin to weary the patience of the people, and to provoke in them exasperation which it would not have been difficult to imagine.

Thus, for example, the summary execution of that Franciscan priest who had assassinated with his own hand a female peasant of the village of Sanniki, and set her house on fire, because she had refused to reveal to him where her husband was when it was sought to enrol him by main force, proves that the religious authority of which the lower clergy in Poland have so deplorably availed themselves is sensibly decreasing.

We must, moreover, hope that this act of reprisal is but an isolated fact, which will not be reproduced elsewhere, for the peasants have been strictly enjoined not to take the law into their own hands, and to limit themselves to seizing the insurgents and delivering them to the local authorities ; the Imperial Government being firmly resolved never to employ means which, it is true, might render easier to them the work of repression, but which are repugnant to their unalterable principles of loyalty and humanity.

In many localities besides, this intention has been appreciated and put into execution, and it is due to the indications from the peasants, and to their devoted co-operation, that the dispersion of a part of the bands of insurgents has been obtained, and that a considerable number of prisoners has been made.

It is also highly probable that this attitude of the mass of the people has been the principal and deciding motive for the change which has been effected, in the last stage, in the tactics of the rebels.

Instead of persevering in the guerilla system, which was most suited to their means, and was most propitious for an insurrectionary war, since it laid the Government under

the obligation of scattering its troops, and of fatiguing them by marches and counter-marches in the pursuit of an adversary whom they could not arrest,—the insurgents not meeting in the open country with the concurrence and the support upon which they counted, are obliged to concentrate themselves.

The two principal points of concentration which appear to have been chosen are Wengrow, in the Government of Lublin, and Wachock, in that of Radom.

At Wengrow the insurgents are in number about 6,000, and it is there that the central and superior direction of the movement appears to have become established. The news of the date of January $\frac{19}{31}$ were, that fortifications were being hastily erected there, that the streets were being barricaded, and that ditches were being dug; but the telegraphic despatch inserted in our number of the day before yesterday, $\frac{\text{January 25}}{\text{February 6}}$, has already informed us that two days after, that is to say, on $\frac{\text{January 21}}{\text{February 2}}$, that position had been forced after an obstinate combat, and that the remains of this principal band dispersed themselves in the neighbouring forests, where they are being actively pursued.

At Wachock the insurrectional forces amount to 3,000 or 4,000 men, who have commenced by burning the bridge of Bialobrzegi over the Pilica, in order to intercept the communications with Warsaw, and who are preparing for resistance.

Lastly, yesterday's telegrams inform us that in the Government of Grodno, and on the frontiers of Prussia and of Galicia, some isolated bands show themselves, now at one point, now at another; but they are being pursued with vigour, and in all the reported encounters they have been defeated with very considerable loss.

The supplementary intelligence received shows that neither the peasants nor the farmers sympathize with the rising; far from this, they sometimes oppose with physical force the attempts of the conspirators, and apply themselves to seconding in every way the measures of the Government by arresting the vagabonds, in order to deliver them to our troops.

At Krubin, a small farm situated near the little town of Gombin, district of Gostynin, a Catholic priest, exciting the peasants to unite themselves to the revolted, killed with his own hand a woman who refused to indicate the spot where her absent husband was, and afterwards set fire to the dwelling-place of his victim. On the following day, the same priest was surprised and slain by the peasants. He was on horseback, and accompanied by a workman from a factory; this latter, however, succeeded in saving himself, after having thrown away a gun, a poignard, and two sabres, one of which had belonged to a police officer, whom this very priest had previously put to death.

Our troops, divided into separate detachments, have commenced to take the offensive, and to act in moveable columns against the principal bands of insurgents; tolerably precise information as to their positions has now been obtained.

No. 22.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, February* 21, 1863.

I AGREE with your Excellency in the observations contained in your despatch of the 7th instant, with reference to the apology published in the official Gazette for the arbitrary method of recruiting adopted in Poland by the Russian Government.

No argument can make it right to turn conscription into proscription, and to condemn men to military service because they are suspected of revolutionary designs. The security of innocence is thus at one blow destroyed.

I am, &c.

(Signed) RUSSELL.

No. 23.

Colonel Stanton to Earl Russell.—(Received February 16.)

My Lord, *Warsaw, February* 4, 1863.

SINCE the date of my last despatches to your Lordship the insurrectionary movement in this kingdom has extended considerably; and notwithstanding the partial successes of the troops sent to repress the original insurgents, bands numbering, in all, some thousands, are now in the field against the Imperial authority. These bands, as is at present reported, are distributed in three separate localities; the first, and most important, being concentrated near the town of Wachock, in the Government of Radom; it numbers from 6,000 to 8,000 men, and is commanded by a man of the name of Langiewicz, formerly an officer in Garibaldi's army, and Professor in the Polish Military School in Italy, who, according to report, recently arrived in this kingdom, accompanied by twenty pupils of

that Academy. The country held by this band is more undulating and broken than the other districts of the kingdom, and is thickly wooded; the band has been largely reinforced from the mining population of the locality, and having the Government forges in their possession employ them in the preparation of scythes, knives, and other rough arms of this description, whilst the vicinity of the Gallician frontier of Austria enables them to procure more easily gunpowder and fire-arms than is the case elsewhere, at the same time affording a secure retreat in case of serious defeat.

The second band is concentrated in the district of Siedlce, having its head-quarters at the town of Wengrow, towards the Lithuanian frontier; it is said to consist of about 3,000 men, amongst whom are many fugitives from Warsaw, and a number of small freeholders, who are very numerous in this locality, and is commanded by Lewandowski. Three columns of troops, under the command of General Bontems, are acting against this band, and information is hourly expected here of an engagement between these troops and the insurgents.

The third concentration of insurgents is in the forest of Bolimow, near the town of Lovicz; this band, numbering about 2,000, has been acting against the line of railway from this town to Vienna, and, without doing any serious mischief, constantly interrupting the communications by that line.

Other bands exist in the districts of Augustow and Lublin, but the three named appear to be the most formidable in every way.

It is reported, my Lord, that the military authorities of the kingdom are now concentrating their troops in the larger towns, abandoning all outposts to prevent these being surprised, and are preparing to enter on a regular campaign against the disaffected districts; and this may probably account for the facility with which the insurgents have been able to assemble in such force, and the result of such a campaign can hardly be doubtful when the comparative forces of the two parties are considered. The Imperial troops in the kingdom may be estimated at over 100,000 men, well armed and equipped, with abundant stores of war material of all sorts, whilst the insurgents can only be partially armed, are unprovided with artillery or any stores of ammunition, and utterly untrained. I must confess, my Lord, I was not prepared for an insurrectionary movement on so extensive a scale as has already taken place, and, it must be admitted, the leaders have known how to take advantage of the false step of the Government in ordering the conscription for the kingdom on the very arbitrary basis already reported to your Lordship, and that the movement assumes daily more the appearance of a national rising, though the upper classes and the peasantry still keep aloof.

It would be wearying to your Lordship to detail all the petty actions and skirmishes that have already taken place, but, as far as I can gather from the various reports, the troops have, as was to be expected, been almost invariably successful when acting in any force.

I may also mention to your Lordship, as being a significant fact, that in several of the country districts where the conscription had been commenced, the military authorities, on their own responsibility, and without any orders from superior authority, have released all the conscripts that had been taken.

I have, &c.
(Signed) EDWD. STANTON.

No. 24.

Colonel Stanton to Earl Russell.—(*Received February* 16.)

My Lord, *Warsaw, February* 6, 1863.

FROM a notice published last evening in the Government "Gazette," it appears that an engagement took place on the 3rd instant at the town of Wengrow between the insurgents and a small Russian force, resulting in the total defeat of the former, who lost from 150 to 200 men killed; no prisoners were taken, and the insurgents, whose numbers are not reported, retired into the neighbouring forests. Unfortunately for the Government only one column of troops of the three reached the scene of action in time, and the insurgents were thus enabled to escape total destruction. It is further reported that some valuable papers relating to the insurrection, including a correspondence with Mieroslawski and Mazzini, were captured in the town of Wengrow. The loss of the troops in this affair is reported to be only four wounded.

The result of this action, although unsatisfactory for the Government from the failure of the other columns in effecting the proposed combined movement, must, it may reasonably be supposed, have a most depressing effect on the other insurgent bands,

and show them the folly of attempting with a half-armed mob to resist the attack of regular troops supplied with artillery; and I should not be surprised, my Lord, to find that in that part of the kingdom open resistance to the Goverment will shortly cease, and that the bands that have assembled there expecting assistance from Lithuania, which, from all accounts remains perfectly quiet, will gradually disperse. It is reported, my Lord, that three peasants have been hanged by the insurgents at Wengrow, and that in that district, as well as others, this class has kept entirely afoof from the movement.

In the southern districts of the kingdom, however, the insurgents have made considerable head, and as yet no troops appear to have been sent against them. In the Government of Radom four of the eight district towns are in the hands of the insurgents, who it appears have established some sort of Provisional Government in these towns, and appointed the old Chiefs of districts to the same office under their Government. They issue passports to Jewish traders and others who wish to pass their lines, decree taxes. and have ordered a conscription amongst all classes, peasants included, of all males from 18 to 35 years of age.

I am unable to account to your Lordship for the reasons why no attempt has as yet been made by the military authorities to recover the ground lost in these districts; it appears incredible that with a force of 100,000 men at their disposal, they are unable to form moveable columns to act in more than one direction after making the necessary allowance for garrisons of the capital, large towns, and fortresses of the kingdom, and it cannot be doubted that the want of such a column-acting in the Government of Radom has allowed the insurgents to obtain such a footing in that Government that their suppression must now be more tedious and bloody than need have been the case; the material loss to the Government is also very considerable, as in many of the towns now in their hands, the insurgents have seized the Government funds, as well as small quantities of arms and ammunition captured from the small garrisons left in them; and although it is easy to understand that it should be the first object of the military authorities to secure their communications with the capital of the Empire, and clear the Northern frontier of the kingdom from the presence of these insurgent bands, it is difficult to understand why, at the same time, no attempt has been made to hold the insurgents in the Southern districts in check, even if unable to disperse them.

In the town of Warsaw itself, my Lord, perfect tranquillity prevails, but rumours exist of an intended outbreak here also. A Committee, calling itself the Central National Committee, but who are entirely unknown, issues orders and proclamations to the insurgents; and I have the honour to forward to your Lordship herewith a translation of a Decree issued by this body acting as a Provisional National Government, which will show your Lordship that whatever the nature or cause of the insurrection may nominally be, the persons who act as leaders to it are not backward in showing their Socialist tendencies. I beg also to forward to your Lordship a translation of an order of the day of the 4th February issued in the name of the Insurrectionary Military Chief of Warsaw.

I have already had the honour of mentioning to your Lordship that a very considerable number of the landed proprietors of the kingdom had arrived in Warsaw, and that meetings had been held by them to decide on their course of action during the present movement. It appears now, my Lord, that being unable to arrive at any decision, it was agreed at their last meeting that no general determination being possible, each proprietor should act on his own view of the case: this decision is much to be regretted, as the pressure of the Revolutionary Chiefs, which might without difficulty be resisted by them as a body, becomes much more difficult when only opposed by the individual, and it is to be feared that under this pressure some of the large proprietors may be induced to join the movement, notwithstanding the small prospect of any good to their cause resulting from so doing. But it must be admitted, my Lord, that the position of the Polish nobility is at the present moment most difficult: distrusted by the Government that cannot protect their estates from pillage or their persons from insult, they are also proclaimed traitors to their country by the revolutionary leaders, because they will not join the present insurrection, and at the same time they are exposed to the vengeance of the peasant class, who have been taught to consider them as their oppressors, and as standing in the way of any definite settlement of their rights; and although it is still possible that on the suppression of this outbreak, the liberal intentions of the Emperor towards the Polish subjects may be honestly carried out, and the country gain in the end by the overthrow of the ultra party, it is much to be feared that advantage will be taken of the occasion to re-establish the old régime of arbitrary government carried out by military authority throughout the kingdom.

I have, &c.

(Signed) EDWD. STANTON.

Inclosure 1 in No. 24.

Proclamation of the Central National Committee as a National Government.

TAKING into consideration that making the peasants freeholders has been so long delayed (notwithstanding the general wish of the country) by the usurping Government; taking further into consideration that the proprietors are entitled to compensation for the loss of rent, corvée, &c., it is decreed as follows :—

Article 1. Land held under any title whatsoever, corvée, rent, or otherwise, by small farmers, together with all buildings thereon, becomes from this date the freehold property of the holder, without any obligation of rent or otherwise, except the duty of paying taxes and of serving the country.

Art. 2. The former proprietors will receive compensation from the national funds by means of Government Stock.

Art. 3. The amount of compensation and the nature of the stock will be settled by separate Decrees.

Art. 4. All ukases, laws, &c., published by the usurping Government on the subject of peasant leases, are declared null and void.

Art. 5. The present Decree applies not only to private estates, but also to Crown lands, lands bestowed by the Crown, Church property, &c.

Art. 6. The carrying out of the present Decree is confided by the Central National Committee, acting as National Provisional Government, to the Military and Palatinate Chiefs.

Given at Warsaw, 22nd January, 1863.

Inclosure 2 in No. 24.

Order of the day of the Chief of the Town of Warsaw.

February 4, 186

Article 1. AS numbers of landed proprietors, instead of serving their country in their residences, are wasting their time and their money in Warsaw, they are hereby desired to return forthwith to their homes, unless exempted from their obligation by the Chief of the town, and to fulfil their duty to their country, more especially those who are young.

All functionaries of the Organization are to carry out this order.

Art. 2. The enthusiastic zeal of the young men makes them hasten to the national camps; but as the fatigues of a winter campaign are beyond the strength of many, all under 18 years of age are hereby desired not to leave Warsaw, as they cannot be admitted into the national ranks.

No. 25.

Colonel Stanton to Earl Russell.—(Received February 16.)

My Lord, *Warsaw, February* 9, 1863.

THE prolonged existence of the insurrection that lately broke out in this kingdom, and the dimensions it has assumed in spite of the military occupation of the country by the Russian Government, lead me to believe that some further remarks on the general state of the kingdom may not prove uninteresting to your Lordship.

It is, my Lord, the general opinion of persons in high position in the Government here, that the Revolutionary party in Europe had so worked on the minds of the middle and lower classes of this country, under the disguise of patriotism, that an insurrectionary movement would have broken out shortly even had no conscription for the army been attempted, and that this party have gradually but surely been organizing the working classes of the towns into bands, to be ready to throw off the mark of subjection, and to appeal to arms when such an appeal might be considered as likely to produce favourable results.

The events that have occurred in this kingdom during the last two years, and the very marked attitude of opposition to the Government that all classes of the people except the peasantry have assumed during that period, give, my Lord, much weight to such an opinion; and it is not, therefore, to be wondered at that the attempt to enforce the conscription in the arbitrary manner that had been announced, and which was almost an

undisguised attempt to destroy the Revolutionary party by seizing the subordinates when unable to touch the chiefs, determined these latter to take advantage of an occasion that otherwise it might have been difficult for them to have obtained; and by taking advantage of the well-known aversion of the Poles to serve in the ranks of the Russian army, to appeal at the same time to their patriotism, and to excite them to have recourse to arms to resist the attempt of the Russian Government to tear them from their homes.

I cannot believe, my Lord, that the leaders themselves can have had any serious idea that the revolt could succeed; but seeing that should the conscription be carried out throughout the kingdom the great mass of their supporters would be removed from their action, they have been forced to commence this dangerous game before their measures were thoroughly prepared, or else to consent to postpone the attempt in this kingdom for an indefinite period.

The proclamations issued by the Central Committee in this town, and addressed more especially to the cupidity of the peasants, in the hopes of inducing them to join the insurrection by the bribe of having the lands in their possession made over as freehold property to them, demonstrates also most clearly that the leaders of the movement are deeply imbued with the spirit of socialism, and that it is by the propagation of this spirit in the Kingdom of Poland, and in the neighbouring Russian provinces, that they hope to be able to make a stand against the Government.

It is deeply to be regretted that the more sensible and influential classes of the inhabitants of the kingdom should have failed, partly through distrust of the Government measures, and partly through fear of being denounced by the leaders of the Revolutionary party as traitors to their country, to give their support to the Government in carrying into effect the improvements in the administration proposed by His Majesty the Emperor; and it cannot be doubted that the attitude of the upper classes during the last two years has given much weight to the insidious counsels of the revolutionists, and assisted in spreading amongst the lower classes that socialist spirit that is at the present moment bearing such bitter fruit.

It appears also, my Lord, highly probable, that when raising the standard of revolt in this kingdom, the revolutionary party have been reckoning on the revolt spreading as well to the Austrian province of Gallicia and the Grand Duchy of Posen, as to the Polish provinces of Russia, where Polish national sympathies were supposed to be sufficiently keen to cause a general rising in favour of the national cause.

Another fact connected with this insurrection worthy of remark, and which proves that it can hardly be considered a national movement, is the attitude of the peasantry of the kingdom at the present moment; as this, by far the most numerous class of the inhabitants of the kingdom, not only has not joined the ranks of the insurgents, but has in many parts of the country assisted the troops against them; and the same feeling appears to have prevailed in the other Russian provinces. The movement, therefore, being confined to the working classes, with some few small landed proprietors and the country clergy, cannot, my Lord, I imagine, continue much longer to make any serious opposition to the Russian troops: but the insurrection cannot fail to produce much misery in the disturbed districts, and to act in a most deplorable manner on the industrial resources of the kingdom; it also must tend to keep alive the hostile feelings of the Pole towards his conqueror, who unfortunately, if reports are to be relied upon, retaliates in a barbarous manner for the early successes and atrocities of the insurgents.

I have, &c.

(Signed) EDWD. STANTON.

No. 26.

Colonel Stanton to Earl Russell.—(*Received February* 16.)

My Lord, *Warsaw, February* 11, 1863.

IN my despatch to your Lordship dated the 4th instant, I had the honour to mention that the principal band of insurgents in this kingdom was assembled in the Government of Radom, having its head-quarters at the town of Wachock, and that a considerable portion of the district was in their possession. I have now the honour to report that according to all accounts an engagement has taken place between this band and the Russian troops, the result being that the insurgents have retreated from Wachock, and that this town and some villages in the neighbourhood have been burnt by the troops. Particulars of the affair are not known here. The Government report that the insurgents are broken, having lost some 60 men killed and 50 taken prisoners, the loss of the troops being

reported at 1 soldier killed and 2 wounded. Serious doubts are entertained of the correctness of this report, and it is believed that the troops, particularly the dragoons engaged, suffered severe loss. It is not known positively in what direction the mass of the insurgent band has retreated, but it is presumed they are still in the fastnesses of the south-eastern portion of the kingdom.

It appears also, my Lord, that the band that had assembled in the neighbourhood of Wengrow, which I also had the honour of reporting to your Lordship, have passed the frontier of the kingdom and endeavoured to penetrate into Lithuania; that they have been met by troops sent from the town of Bialystok, and that a severe engagement has taken place at the town of Siemiatycze, the loss of the insurgents being reported by the Government to amount to 1000 in killed and wounded, the troops also suffering some loss.

The band that has for some time been interrupting the railway communication between this town and Austria and Prussia has also been attacked by the troops, and is reported to be dispersed, having lost some 50 men killed and 40 prisoners. Four Russian officers who had been made prisoners by the band were also recovered. It is worthy of remark, my Lord, that these officers had not received any ill-treatment from their captors, notwithstanding the rumours that are current of the atrocities perpetrated by the Russian troops, which might have led to reprisals being made.

I beg also to mention to your Lordship that the Prussian Government have sent an officer to this country as Military Commissioner, and it is supposed that a Military Convention between the two Governments is about to be concluded. This officer reached Warsaw on Monday last, the 9th instant, but as yet I am unable to inform your Lordship of the result of his visit.

It is further reported here, my Lord, that a band of insurgents crossed the Prussian frontier on the 8th instant near the town of Strasburg (not far from Thorn), and that they have been dispersed by the Prussian troops, who had some casualties in the affair.

Other actions are also reported in different parts of the kingdom, in all of which a great loss of life is stated to have occurred, and it is much to be feared that the barbarous custom of killing the wounded has been practised by the troops.

As the result of all the operations at present, it may, my Lord, be stated that the communications between St. Petersburgh and Warsaw are again established, as also between the latter town and the Prussian frontier; but that the frontier station of Josnowica on the Breslau line of railway, and the greater portion of the Gallician frontier near Cracow, are in the hands of the insurgents.

The town of Warsaw remains tranquil, but fears are entertained that on the 27th instant, the anniversary of the battle of Grochow, some attempt may be made which will bring on a massacre in this town; and although no possible good can result from such an attempt, it is to be feared that there are persons sufficiently mad to attempt to bring on such a massacre for the sake of demonstrating to Europe the severities and horrors that Russian troops are capable of inflicting. Indeed, my Lord, many persons believe that the Government have done their utmost to bring on the present state of affairs for the express purpose of being able to quench the national sympathies by a wholesale slaughter of their opponents. I do not, my Lord, give this as my own opinion, or indeed believing it in any degree, but I have heard the remark made by thinking and sensible persons.

I cannot conclude this despatch without mentioning to your Lordship that a diabolical attempt was lately made to poison the Marquis Wielopolski and his family; fortunately the attempt failed, but several members of the family and household have suffered from the effects of the poison.

Since writing the above, I have been informed that one of the leaders of the insurrection, Frankowski by name, has been captured by the Russian troops.

I have, &c.

(Signed) EDWD. STANTON.

No. 27.

Lord Bloomfield to Earl Russell.—(Received February 16.)

(Extract.)

Vienna, February 12, 1863.

COUNT RECHBERG is anxious, but not alarmed, as to the excitement in Galicia consequent on the insurrection in the Kingdom of Poland. His Excellency has said to me that all attempts to enrol men for service in Poland were now effectually stopped, and that most of those who had joined the insurgents had returned disgusted with the

treatment they had received. There were, however, observed his Excellency, many hot-headed youths in Galicia always ready to join a movement for the national cause, and it was on this account, and with the desire to prevent exciting speeches that might be delivered by some members of the Provincial Diet at Lemberg, that the Government had decided to suspend the sittings, and an adjournment had consequently been ordered to the 2nd of March.

The object of the adjournment was two-fold,—to prevent speeches of a revolutionary tendency being pronounced at the Diet, and also to save some of the young and inexperienced members from compromising themselves, their political friends, and, perhaps, their future existence.

As to the news from Russian Poland, Count Rechberg said that the accounts were conflicting; the successes of the Imperial troops were considerable, but the insurrection was, nevertheless, spreading far and wide, and though he could not doubt the ultimate suppression of the movement, it was not likely to be effected for a long time to come.

No. 28.

Lord Bloomfield to Earl Russell.—(*Received February* 16.)

(Extract.) *Vienna, February* 12, 1863.

A REPORT having reached me that a proposition had been made to the Austrian Government to enter into a Convention with Russia and Prussia for the better protection of their common interest in Poland, I have just inquired of Count Rechberg if there was any foundation for this report. His Excellency replied he was happy to say that no overture on the subject had been made to him; that all the Russian Government had requested was that refugees might be disarmed and taken care of, and that this was unnecessary, for whenever such cases occurred along the Galician frontier the people were dealt with according to usage. I asked Count Rechberg what was the nature of a Military Convention said to have been concluded between Russia and Prussia concerning the affairs of Poland. He replied that he was not in possession of the details of it, but he supposed its main object was to facilitate the passage of Russian troops through Prussia into Poland, and to establish a common course of action in face of the insurrection. He added that on hearing of this Convention, he had telegraphed to Count Thun at St. Petersburgh to discourage any communication on the subject to Vienna; that Galicia was comparatively tranquil; and that unless the Polish insurrection assumed greater dimensions, the Austrian Government would consider the general understanding which existed between the two Imperial Governments sufficient for present purposes.

His Excellency then remarked that the concentration along the Polish frontier of three Prussian corps d'armée, about 60,000 men, was a much larger force than could be necessary. He was happy to think that Count Mensdorff had but 12,000 men in Galicia, that he was told to apply for any amount of reinforcement he might require, and that he had answered that the force at his disposal was ample, that the rural population were quiet, and that up to the present moment he saw no cause for serious alarm.

No. 29.

Lord Bloomfield to Earl Russell.—(*Received February* 16.)

My Lord, *Vienna, February* 12, 1863.

I HAVE the honour to inclose herewith a précis by Mr. Mounsey of an interesting article from the "Ost Deutsche Post," contrasting the policy relatively pursued by Austria and Prussia in reference to the Polish insurrection.

The writer of the article, in alluding the present attitude of the Berlin Cabinet as regards the events now passing in the Kingdom of Poland, points out that the effect of M. de Bismark's policy on this subject will probably be to render more difficult, on the one hand, the reconciliation between political parties in Prussia; whilst, on the other hand, must strengthen the intimacy already existing between the Cabinets of Berlin and St. Petersburgh, and thus contract the influence of Prussia as a leading liberal Power in Germany.

I have, &c.

(Signed) BLOOMFIELD.

Inclosure in No. 29.

Précis of Article in the "Ost Deutsche Post" of February 11, 1863.

THE prorogation of the Galician Provincial Diet will not, it is affirmed, be extended beyond the 2nd of March.

This measure, we are told, was taken by the Government in accordance with the wishes of several influential Polish members, but we believe principally out of regard for Russia, which has already complained of Austria's passive bearing towards the revolution, and, it is even said, accused her of connivance with it. The violent speeches which were expected in the Diet would have given the Russian Government new grounds of complaint, and to avoid this a prorogation for three weeks had been ordered. We have no news from Lemberg as to the manner in which this measure has been received. But as the majority of the Diet concurred in it, it will probably have created little surprise.

The Prussian Government finds itself in a very different position. Disturbances seem to be apprehended amongst the Polish inhabitants of Posen and West Prussia. Several corps d'armée have been concentrated there, and, according to the latest news, military law will soon be proclaimed in several districts.

The semi-official "Nord-Deutsche Zeitung" has brought us the important news that an understanding has been arrived at by the Cabinets of Berlin and St. Petersburgh with regard to Poland. This is the first step towards a more intimate alliance between the two Courts, and it is entirely in accordance with the spirit of M. de Bismark's policy.

Altogether the Polish insurrection will have a great effect on the internal policy of Prussia. It will further the plans of the Junker party; for if, as a semi-official Berlin journal foresees, decisive measures become necessary for the preservation of the integrity of the Kingdom in its eastern provinces, the King will find the prosecution of his arbitrary projects considerably facilitated. The toga must go to the wall when the sword leaps from the scabbard.

M. de Bismark seems determined to make the most of the present conjuncture of affairs. The concentration of so many troops cannot have been ordered merely for the preservation of order in the Prussian Polish provinces, and must have reference to internal questions. The Government are aware from the events of 1846 and 1848 that they have only the smaller nobles to fear; the greater part of the agricultural population and the great nobles have never shown any desire to join insurrectionary movements. Besides this, the Poles in Silesia and Old Prussia form but a small minority, and can boast of a very small majority in Posen; whilst the Germans in the provinces are vastly superior to them in influence, intelligence, and property. On the other hand, this Polish insurrection may very possibly throw M. de Bismark out of his reckoning. He has learnt from Napoleon how a nation may be consoled for the loss of freedom by an enterprising foreign policy, and he sought to put this lesson in practice by his demonstrations against Austria, Hesse Cassel, and Denmark. This he can no longer do so long as the third of the Prussian army mounts guard on the Polish frontier.

Prussian policy will, therefore, receive an impulse in one direction or the other from the events which are taking place in Poland. At home, the reconciliation of parties will be more difficult; abroad, the intimacy of Prussia and Russia will lead to greater antagonism against Austria. The men who lead the policy of these countries will be perfectly agreed on the latter point. We are not afraid of this intimacy. Prussia at the head of a liberal movement in Germany is a dangerous rival for Austria; but hand-in-hand with Russia, she is harmless, both from a German and European point of view.

The more Prussia throws herself into the arms of the great Northern Power, so much the more will Constitutional Austria be enabled to count on the sympathy, and, in case of need, the assistance of Western Europe.

No. 30.

Sir A. Buchanan to Earl Russell.—(*Received February* 16.)

My Lord, *Berlin, February* 14, 1863.

I HAVE the honour to inform your Lordship that General Alvensleben, who is now in Warsaw, having arrived there two days ago from St. Petersburgh, has concluded a Military Convention with the Russian Government, according to which the two Governments will reciprocally afford facilities to each other for the suppression of the insurrectionary movements which have lately taken place in Poland, and which may be expected to follow in the Polish Provinces of Prussia.

As far as I have been able to learn, it has been agreed that the Commanders-in-chief of the two Governments will keep each other informed of the movements of the troops under their orders; that if the troops of the one Government should retire before the insurgents into the territory of the other, they will be allowed to retain their arms, and to recross the frontier as soon as they may be in a position to do so, and that the troops of either Government will be at liberty to pursue insurgents into the territory of the other.

The Prussian railways are also to be placed at the disposal of the Russian military authorities for the transport of troops through Prussian territory from one part of the Kingdom of Poland to another. The Government further contemplate, in case of necessity, to give military assistance to the Russian Government for the suppression of the insurrection in the kingdom; but I am told that no engagement has yet been entered into with respect to the nature or extent of such assistance.

In the meanwhile, however, four corps of the Prussian army are concentrating on the frontiers, under the command of General Waldersee, whose head-quarters are at Posen, and the reserves of two of these corps and of a division of a third have been ordered to join their regiments. As yet no disturbances of importance have occurred in the Grand Duchy, and it is believed that the Chiefs of the insurrection do not intend that any movement shall take place there or in Galicia, unless some important successes shall be obtained in the kingdom. In the neighbourhood of Thorn, however, and in the old Polish Provinces of Prussia, where the conspiracy is possibly less general and not so well organized, and its members are therefore less subject to discipline, some disturbances have occurred.

From the information which has reached the Prussian Government, the whole kingdom, with the exception of the large towns held by the Russian troops, appears to be in a state of revolt.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 31.

Sir A. Buchanan to Earl Russell.—(*Received February* 16.)

My Lord, *Berlin, February* 14, 1863.

A JOINT proclamation was issued on the 1st instant by the President of the province of Posen, and the General in command of the troops in that district, warning the inhabitants against aiding or abetting the insurgents in the neighbouring Kingdom of Poland. In this document, of which a translation is herewith inclosed, the atrocities committed by the insurgents are alluded to as inspiring general horror; and any kind of assistance given to the latter, however indirect in its nature, is denounced as a crime against the laws of Prussia, involving, as such, the punishment due to high treason.

This manifesto has elicited from the Polish members of the Chamber of Deputies, in conjunction with some of the members of the Party of Progress, an interpellation, of which I likewise inclose a translation, and to which it is understood that M. de Bismarck intends to give a very decided answer.

The objects of the interpellation are to place on record the unconstitutional nature of the joint Military and Civil Government which the interpellators maintain has by this manifesto been proclaimed in the province of Posen; to protest against the unfounded assertion of atrocities having been committed by the insurgents; and to urge the impolicy of creating a spirit of bitterness amongst the Polish inhabitants of the province by bringing forward such assertions in the garb of official accusations.

I have, &c.
(Signed) ANDREW BUCHANAN.

Inclosure 1 in No. 31.

Proclamation to the Inhabitants of the Province of Posen.

(Translation.)

THE armed insurrection which has broken out in the Kingdom of Poland against the lawful authority of the Government has changed our immediate neigbourhood into a theatre of bloody events; but whilst the cruelties perpetrated by the insurgents inspire the greatest horror, they at the same time afford the certainty that this criminal

undertaking will bring about the destruction of those whose fanaticism has made them partakers in it.

Inhabitants of the province of Posen! We can indulge in the confident hope that the public peace will not be broken in any portion of the province. Our guarantees for this are the sense for order which animates the overwhelming majority of the inhabitants; the watchfulness of the public organs, which are called upon to be beforehand with any intended breach of the peace; and lastly, the power given to us by His Majesty, and which, should the event require it, we will use to the very utmost in the maintenance of quiet and order.

We cannot, however, but entertain the fear that attempts will be made to seduce individual inhabitants of the province to a participation in the insurrectionary movement of the neighbouring country; a participation which, if even only an indirect one, but substantiated by any public manifestation, or by any act of support or assistance of whatever kind, would have to be regarded (considering the notorious tendencies of the insurrection), as an undertaking against the laws of this country (*i.e.*, Prussia), and might therefore involve the heavy penalties of treason.

We hold it, therefore, to be our duty to warn all inhabitants against taking any part in the insurrection, &c.

Posen, February 1, 1863.

(Signed) COUNT WALDERSEE,
General in command of 5th Army Corps.
HORN, *President of the Province of Posen.*

Inclosure 2 in No. 31.

Interpellation of MM. Kantak and Chlapowski, supported by several Members of the Party of Progress.

(Translation.)

THE following proclamation has been issued in connexion with the late events in the Kingdom of Poland by the President of the Grand Duchy of Posen, conjointly with the Military Governor (here follows the proclamations; see Inclosure 1).

Every one is of course free to pass what judgment he pleases on passing events, on their causes, their objects, and their character; still less can the right be disputed on the part of the Administration to warn the inhabitants of the country of the consequences resulting from illegal acts.

On the present occasion, however, it is pre-eminently the unusual form (that, namely, of the Civil Head of the Administration calling upon the Chief Military functionary to countersign his proclamation) which excites apprehension, as if the Grand Duchy of Posen already found itself in an exceptional state, with a prospect of further exceptional measures. This apprehension is confirmed and intensified in the first place by the above-named authorities, in a threatening manner, invoking "the power in their hands" rather than the laws, and in the next place by the declaration, repugnant to the Criminal Code of Prussia, that every participation in the events taking place in the neighbouring country, even "of an indirect kind," is to be considered as an undertaking against the laws of the country, and therefore capable of drawing down on the offender the heavy penalties of high treason.

Nor can the warning expressed in this proclamation be considered from its general tone as a well-meaning one. For when the President and the Military Governor of the Grand Duchy speak in one and the same Proclamation of the "notorious tendency" of the insurrection, and describe the same, in spite of the first accounts having been either contradicted or not confirmed, as "inspiring horror by the atrocities that have been committed," it cannot have escaped them that, regard being had to the deep sympathy which those events necessarily excite amongst the entire Polish population, an official accusation of this kind thoughtlessly brought forward, and misrepresenting the character of the movement, is adapted to embitter and wound a portion of the population of the Grand Duchy, and to disquiet the other.

Moved by these considerations, the Undersigned ask the following questions of the Government:—

1. Whether, and since when, the Grand Duchy of Posen has been subjected to the exceptional state of a combined civil and military administration?

2. Whether the Government approves of the form and contents of the Proclamation of the 1st of February?

Berlin, February 7, 1863.

(Signed) KANTAK.
VON CHAPLOWSKI.
&c. &c.

No. 32.

Sir A. Buchanan to Earl Russell.—(Received February 16.)

My Lord, *Berlin, February 14, 1863.*

THE conclusion of the Military Convention with Prussia, referred to in my previous despatch of this date,* and the rumoured intention of the Government to enter into further engagements with Russia for the repression of insurrectionary movements in the Polish provinces of Prussia and Russia, has given great dissatisfaction to the public, who are said to apprehend a restoration of the Russian influences which prevailed at Berlin previously to the war of the Crimea.

It is not impossible, however, that the principal object of the Government in giving military importance as regards Prussia to what is passing in the Kingdom of Poland, is to find a reasonable pretext for increasing the expenditure of the army, in opposition to any vote which may take place in the Chamber of Deputies with a view to reducing the Army Estimates for the year, which are based on the plan, rejected last Session, for the re-organization of the army.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 33.

Lord Bloomfield to Earl Russell.—(Received February 17.)

My Lord, *Vienna, February 14, 1863.*

I HAVE the honour to inclose, for your Lordship's information, an article from the "Botschafter" of this morning, with a translation by Mr. Mounsey, which has been called forth by the Military Convention lately concluded between Prussia and Russia, with a view to the suppression of the insurrection in the Kingdom of Poland.

It is remarkable as pointing out the relative positions and different policy of Austria and Prussia in this question.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 33.

Extract from the "Botschafter" of February 14, 1863.

(Translation.)

WHILE we hear that Prussia, without being necessitated thereto as yet by the bearing of her Polish subjects, has agreed to assist Russia in suppressing the insurrection in Russian Poland, it is counted as a crime against Austria by certain parties that she has not hastened to offer similar assistance. We are not yet acquainted with the text of the Russian circular note addressed to Austria in this sense. We believe it to be an indirect accusation of the latter, and even Prussian journals denounce to the world as unnatural the sympathy which the Liberal party in Austria is supposed to entertain towards the revolted Poles.

We might confine ourselves to answering these absurdities by saying that the accusation made against Austria on this subject by Prussia and Russia are the greatest services that could be rendered to her. For in this, as in most other questions, we desire to have nothing in common either with Russia or with Prussia under her present régime.

The question is, however, too serious to be answered by the above remark. It is ridiculous to suppose or to give oneself the appearance of supposing that Austria—even the Liberal Austria of the day—takes part with the revolution wherever it be, far or near.

In the American civil war, in exciting which Russian agents gave considerable assistance, Austria declared herself without hesitation for the cause of legitimate government. How, then, could she be favourable to a revolution which is going on at her doors? And it is not to be supposed her Government required to be enlightened by the Berlin papers as to the complications which might arise from the Polish insurrection. No, because Austria has become liberal and constitutional, she has not become revolutionary. On the contrary, the constitutional course which she has adopted now necessitates a really conservative policy, combining reform, gradual development, and a solution of inherited evils. What-

* No. 30.

ever may be the opinion of our statesmen on the Polish question, for the existence of which Austria can least of all be accused, its solution by revolutionary means is neither the wish nor the interest of Austria. But nothing can be more ridiculous than to suppose that Austria, without regard to her own interests, will play the part of Russian guardian when we consider that insurrection has been excited and spurred on against her in every quarter; that Russia and Prussia have recognized a kingdom sprung from the robbery of Austrian territory; that Prussia, in mockery of her own origin and composition, has sought to turn the principle of nationalities against Austria by endeavouring to drive the latter out of the Confederation as a non-German power; and that very lately Russia has done everything in her power to excite revolt on the Lower Danube, in the hope that by its reaction in the neighbouring provinces of Austria the peace of the empire would be seriously menaced.

If we would express the feelings which prevail in Austria with reference to the Poles, we should be guilty of an untruth were we to maintain that we do not wish them success. We speak of the feelings expressed in private and social life. It would be unnatural were it otherwise. But political education has made such progress with us that no one, not even the Poles themselves, can expect our Government to sacrifice to a sentimental policy the first conditions of our existence as a State.

Austria, however, has a right to protest before Poland and the world against the share ascribed to her in the iniquitous deed of partition. She has done whatever she could, and she will continue to strive against adding bad to evil. She will endeavour by means of a liberal and humane Government to ameliorate the condition of the Austrian Poles, to save them from entering on rash and foolish enterprises, and from a darker fate; the rest she will leave to Providence, and though reproach may be cast on her for so doing, we are sure that a vast majority of the Austrian people will applaud her policy.

No Austrian can for a moment entertain the thought of another holy alliance with Prussia and Russia, with Bismarck and Gortchakoff.

As, however, Prussia is a part of Germany, we regret the view which she appears to have taken on the Polish question, and from which no good will accrue to her.

No. 34.

Lord Bloomfield to Earl Russell.—(*Received February* 18.)

My Lord, *Vienna, February* 15, 1863.

MANY false statements having appeared in foreign journals with the apparent object of misrepresenting the policy of Austria on the Polish question, it has been deemed advisable by the Imperial Government to insert in their semi-official journal, the "Donau Zeitung," a formal denial of these statements.

I have the honour to inclose for your Lordship's information a translation of this article by Mr. Barrington.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 34.

Extract from the "Donau Zeitung" of February 14, 1863.

(Translation.)

IN consequence of the events passing in Russian Poland, reports have been thrust upon the world by several foreign newspapers, which, being completely untrue, only have the effect, either intentionally or unintentionally, of damaging the position of Austria in that quarter.

Thus, among other instances, the "Breslau Journal" of the 12th of this month, under the pretext of a warning against some pretended telegrams to which an official Austrian origin is ascribed, publishes a correspondence from Warsaw, to the effect that "the Austrian Government had sold some thousands of arms out of the arsenal in Lemberg, and had otherwise surreptitiously abetted the revolution."

We are authorized to state that this report, both as regards the sale of arms, the accusation of secret aid afforded to the revolution, and also the publication of the telegrams in question, is purely fictitious.

We are inclined to put into the same category of purposely senseless discoveries other rumours also, and specially those which go so far as to raise conjectures about the occupation of the "Polish Throne."

No. 35.

Sir A. Buchanan to Earl Russell.—(Received February 18.)

My Lord, *Berlin, February* 16, 1863.

I HAVE the honour to inform your Lordship that Colonel Treschow, a Prussian officer, has left Berlin for Warsaw, where he will be attached to the head-quarters of the Russian army, for the purpose of carrying out the provisions of the Military Convention which has been signed between the Governments of Prussia and Russia, respecting the measures to be taken in concert by the military authorities on the frontiers of their respective Polish provinces for the suppression of insurrectionary movements.

Colonel Reuter, a Russian officer who has arrived here, is supposed to be charged with a similar mission.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 36.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, February* 18, 1863.

IN reply to your despatch of the 16th instant, mentioning the nomination of Commissioners for the purpose of carrying out the provisions of the Military Convention between Russia and Prussia for the suppression of the insurrection in Poland, I have to instruct you to endeavour to procure and transmit to Her Majesty's Government a copy of the Convention in question.

I am, &c.
(Signed) RUSSELL.

No. 37.

Colonel Stanton to Earl Russell.—(Received February 21.)

My Lord, *Warsaw, February* 17, 1863.

I HAVE the honour to forward herewith to your Lordship a translation of an order of His Imperial Highness the Grand Duke Constantine addressed to the troops in this kingdom, which appeared in the official "Gazette" of last evening, and which it is be hoped may put a stop to the excesses of which the troops are accused.

I beg also to forward to your Lordship a translation of an order from the Military Chief of the Warsaw Department, which appeared in the same "Gazette."

I have, &c.
(Signed) EDWD. STANTON.

Inclosure in No. 37.

Extract from the Warsaw "Gazette" of February 16, 1863.

Order of His Imperial Highness the Grand Duke Constantine.

(Translation.)

HIS Imperial Highness the Grand Duke, Namiestnik of the kingdom, has been pleased to issue the following order to the troops quartered in the Kingdom of Poland, under date of the $\frac{2nd}{14th}$ instant:—

"I desire all the Chiefs of military detachments to preserve the strictest discipline in the ranks, and to be careful of their conduct. Soldiers guilty of pillaging or of committing acts of violence towards peaceable inhabitants, who have not participated in the rebellion, shall be punished with the utmost severity of the Military Criminal Laws."

Order of the Military Chief of the Warsaw Department.

With a view to secure the tranquillity of Warsaw and to give protection against the machinations of the evil-disposed who spread alarm, His Imperial Highness the Namiestnik has been pleased to authorize the following rules:—

1. A renewal of the prohibition of having any kind of arms or powder in the possession of persons not having permissions to that effect: all persons who have delayed conforming to this rule may avoid responsibility by delivering them to the proper police authorities within forty-eight hours, *i.e.*, before the 19th instant, after which date persons having any arms, warlike instruments, or powder in their possession are punishable by martial law, according to Articles 261 and 262 of the Code, as guilty of acts of rebellion.

2. Holders or distributors of seditious placards or printed matter will likewise be punished by courts-martial as rebels.

3. It is prohibited to all persons, without special permission, to be in the streets after 10 o'clock at night, or to appear in the streets without a lantern after 7 P.M. Offenders against this or other military rules will be apprehended and punished.

4. In cases of alarm in town all persons are to retire from the streets, the doors and gates of the houses are to be properly closed, and persons remaining in the streets are exposed to the dangers attending military operations.

5. In cases where a house may be occupied by insurgents, or shots fired from its windows, that house will be forthwith destroyed by artillery.

In bringing the above rules to the knowledge of the public, I invite all peaceable inhabitants not to allow themselves to be alarmed by false rumours, as energetic measures have been adopted to stop any attempt at disorder or insurrection. The troops under my command, whilst ready to act against the disturbers of the peace, will understand how to perform their duty, and at the same time to protect the lives and property of the peaceable inhabitants.

General Aide-de-camp,
(Signed) BARON KORFF.

No. 38.

Earl Cowley to Earl Russell.—(Received February 21.)

My Lord, *Paris, February 20, 1863.*

BEFORE this despatch can reach your Lordship, Baron Gros will, no doubt, have communicated to you one addressed yesterday by M. Drouyn de Lhuys to himself on the present state of affairs in Poland. In this despatch, which the French Minister has just been good enough to read to me, his Excellency gives an account of the communications which have been made to him by the Representatives of Russia, Prussia, and Austria, from the two first, with reference to the Convention lately signed at St. Petersburgh; from the last, explaining the attitude taken by the Austrian Government.

It would be needless, even if I had the time before the departure of the messenger, to go into the details of this despatch, since it will be communicated to your Lordship. I will merely state, that while the position of the Russian Government in a part of whose dominions the insurrection which has led to the Convention exists, induces M. Drouyn de Lhuys to abstain from expressing any opinion upon that document, his Excellency reminds the Russian Government of the engagements under which the partition of Poland was reluctantly consented to by the other Powers, parties to the Treaty of Vienna: he calls attention to the sympathy which the cause of Poland has ever excited in France, and he expresses the hope that the Russian Government may be enabled, by prudent and conciliatory measures, to allay the agitation before it gains proportions that may become alarming to Russia herself, to France, and to Europe.

From the Prussian Government, M. Drouyn de Lhuys does not conceal the opinion that the signature of the St. Petersburgh Convention is, on the part of Prussia, a grave political fault. She has thereby assumed that local disturbances in that part of Poland which belongs to Russia involves the whole Polish question—for, according to the acounts received by the French Government, the Duchy of Posen is in the enjoyment of complete tranquillity—and she thus makes herself responsible for the acts of the Russian Government.

M. Drouyn de Lhuys contrasts the conduct of Austria with that of Prussia in a favourable light to the former, founding his opinion on the communications made to him by Prince Metternich.

His Excellency then observes that he has reason to know that the same communications from the three Governments have been made to your Lordship, and that he believes that the conduct of Prussia has called forth your remonstrances. He ends by expressing the wish to know the sentiments and opinions of Her Majesty's Government.

I have, &c.
(Signed) COWLEY.

No. 39.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, February* 21, 1863.

THE French Ambassador has just called upon me to say that the Government of the Emperor, although not in possession of the text of the Convention between Russia and Prussia, know enough of its purport to form an opinion unfavourable to the prudence and opportuneness of that Convention.

The French Government consider that the Government of the King of Prussia have by their conduct revived the Polish question. They consider this measure all the more imprudent inasmuch as the Polish Provinces of Prussia are represented as perfectly tranquil.

The French Government consider also that the Government of Russia should be advised to appease irritation, and calm the discontent prevailing by measures of conciliation and mildness.

The French Ambassador has no orders to propose any concert with the British Government, but he is instructed to ask whether the views which he had explained were conformable to those entertained by Her Majesty's Government.

I informed him that Her Majesty's Government entertained precisely the views which he had explained on the part of his Government.

I am, &c.
(Signed) RUSSELL.

No. 40.

Lord Napier to Earl Russell.—(Received February 24.)

My Lord, *St. Petersburgh, February* 10, 1863.

I REGRET that I omitted, by yesterday's messenger, to report to your Lordship the arrival at this place of General Alvensleben, a Prussian officer charged with the duty of concerting measures for the repression of the Polish insurrection, which, in one case at least, has crossed the borders of the Grand Duchy of Posen.

I learn that General Alvensleben has signed an Engagement or Convention with the Russian military authorities, by which the Imperial forces are permitted to proceed against fugitive insurgents across the Prussian boundary. A similar freedom is stipulated for the Prussian army on the territory of Russia.

I have, &c.
(Signed) NAPIER.

No. 41.

Lord Napier to Earl Russell.—(Received February 24.)

My Lord, *St. Petersburgh, February* 13, 1863.

I HAVE the honour to inclose herewith a file of the "Journal de St. Pétersbourg," from the 9th to the 13th instant, containing the successive reports published by this Government of the operations in Poland.

From these fragmentary accounts it is difficult to deduce any distinct impression of the posture of affairs, or the forces of the insurrection. Some incredulity has been excited here by the high statements of the losses experienced by the patriots compared with those suffered by the Imperial troops. It is, indeed, difficult to believe that a thousand Poles were slaughtered in one affair by the Russian soldiers, with the loss on their side of twelve men; and if it be true, it does not reflect any credit on the humanity of the army. We may, however, believe that there is a very great disparity of loss between the two parties,

for besides the advantage of possessing artillery, the Russians are armed with good rifled muskets, which have a deadly effect at 600 yards, while the insurgents have, for the most part, only fowling-pieces, a few revolvers, pikes, scythes, and other rustic weapons. They may be shot down in perfect security by the regular forces.

The losses of the army will probably chiefly occur by typhus fever and other maladies in their country quarters.

I have, &c.
(Signed) NAPIER.

No. 42.

Lord Napier to Earl Russell.—(Received February 24.)

My Lord, *St. Petersburgh, February 13, 1863.*

IN my despatch to your Lordship of the 4th February, I reported to your Lordship that several Cavalry regiments were under orders to repair to Poland. I learn that this force may be estimated at about 2,500 men.

The second division of the Imperial Guards is also directed to march in the same direction. I believe, however, that the Guards will not for the present go beyond Wilna, and that the troops stationed at Wilna will be pushed forward into the Kingdom.

A battery of artillery of eight guns will accompany the second division.

The proper strength of an Infantry division of the Guards on the peace footing would be about 9,200 men. I am told, however, that owing to the weakness of the battalions at this moment, the division referred to would not yield more than 7,500 efficient combatants.

Should this be the case, the reinforcements ordered to Poland or its vicinity since the commencement of the present outbreak would amount to about 10,000 men in all.

I have, &c.
(Signed) NAPIER.

No. 43.

Sir A. Malet to Earl Russell.—(Received February 24.)

(Extract.) *Frankfort, February 20, 1863.*

I MAY very confidently assure your Lordship that the conduct of Prussia in respect to the Polish insurrection is generally condemned in Germany.

Had the Prussian Government confined itself to securing tranquillity in Posen, no grounds for censuring such precaution could have been found; but M. de Bismarck is accused of thrusting unsolicited and, in fact, unwelcome assistance on the Russian Government, and the cry of reprobation is all but universal.

No. 44.

Sir A. Buchanan to Earl Russell.—(Received February 24.)

(Extract.) *Berlin, February 21, 1863.*

WITH reference to your Lordship's despatch of the 18th instant, instructing me to endeavour to procure a copy of the Military Convention lately concluded between Prussia and Russia, I have the honour to inform you that M. de Bismarck says he will communicate the Convention to me as soon as he shall receive the consent of Russia to its being made public. In a conversation which I had with him yesterday, I observed that, with a view to the interest of Prussia, the least possible delay should take place in the publication of the Convention, if it only contains the provisions which he represents it to do; for it is now generally believed that Prussia has entered into arrangements with Russia for mutually assisting each other in repressing all popular movements within their respective territories, and this suspicion has created a most unfavourable feeling towards Prussia throughout Western Europe.

His Excellency replied that a portion of the English and French Press, hostile to Prussia, and the whole Press of Denmark and Austria, had seized upon the Convention to calumniate Prussia; but whoever would consider the circumstances dispassionately and impartially would easily satisfy himself that the Prussian Government had done no more than was necessary for the maintenance of tranquillity, and the protection of the population

on a frontier which was 1,500 miles in length. With respect to the English Press, I said, if he would look back into the files of the "Times," he would find that there was no feeling of hostility to Prussia in England, and that if the language of the Press had within a late period ceased to be that of sympathy and approval, he must seek some other cause for the change than unfriendly feelings in England towards the Prussian nation.

He then went on to explain to me that the insurrection in Russian-Poland had been principally promoted by the smaller gentry, who all had dependents attached to their houses and farms, whom they easily induced to take part in enterprises against the Government; and who, when they had thus raised a small band of armed men, forced the peasantry to join them; and it was to prevent the proceedings of these persons being extended into the Polish provinces of Prussia, or a similar course being followed by the small landed proprietors and gentry of these provinces, that the Convention had been entered into, while it was hoped that by energetic action on the part of the authorities, the commerce of Prussia, with the interior of Poland, might be protected from the depredations of Russian-Polish insurgents hovering on the frontier.

The Government had, in the first place, he said, entered into the Convention as a necessary measure of defence, but they also saw in it a legitimate means of protecting the interests of Prussian traders with Poland. I replied that those were the common-place arguments used by all Governments intervening in the affairs of other States, and they would have been equally applicable if Her Majesty's Government had interfered in the American civil war on the pretence that it was necessary to secure Canada against future aggression, and to protect British commerce and industry against the evils to which the war was certain to subject them; but it would be difficult for his Excellency to prove that what was unnecessary in Galicia was unavoidable in Prussia.

To this he answered that the massacre of 1,000 of the gentry by the peasantry in Galicia in 1848, had greatly diminished the probability of any insurrectionary movements there, as the dangerous class of the population had been nearly exterminated, and neither the great nobles nor the peasantry were disposed to incur risks and make sacrifices for the restoration of Polish nationality.

He said that the number of troops concentrated on the frontier has been greatly exaggerated; for, though some of the Reserves had been called out, none of the corps had been placed on a war footing, either with respect to men, horses, or guns; and after providing garrisons for the towns and fortresses, the troops at the disposal of General Werder could only enable him to station 12,000 men on the Northern, and 8,000 on the Silesian frontier, for service in the field, which was a very moderate force for the duty to be performed. He said also that the Prussian commanding officers had orders not to act on Russian territory beyond a day's march from the frontier, and that Russian troops would only cross the frontier while in actual conflict with armed insurgents.

He explained further, that the principal advantage which Prussia gained from the Convention was, that bands could not be collected on the frontier for the invasion of the Prussian territories, or if insurgents in these territories were driven across the frontier they could not be rallied or reinforced in the kingdom, for a renewed attack on the Prussian troops; and in answer to an inquiry which I made of him with respect to Russian insurgents who might be captured in Prussia, he said they would be given up to the Russian authorities, in conformity with the stipulations of Conventions of long standing, which had been renewed in 1857. He said these Conventions had been suspended in 1853, but that the number of Russian deserters and other persons crossing the frontier illegally, from criminal or other causes, became so great an inconvenience that it had been found necessary to renew the Conventions in the interest of public order in the frontier districts.

He said that portions of the frontier of many miles in extent could only be watched, according to present arrangements, by a single battalion, and that a brigade would be stationed in the North to the east of Gumbinnen to protect a *haras* of 1,000 horses kept near the frontier for the use of the various breeding establishments through Eastern Prussia.

During our conversation on this subject, it appeared to me that M. de Bismarck was greatly annoyed at the reprobation with which the Convention has been received in Prussia and in Europe, and with the distrust of the Prussian Government to which it has given rise; and though on previous occasions he always spoke of the probability of the Russian army in Poland proving too weak to suppress the insurrection, he yesterday represented the principal forces of the insurgents to have been already defeated and dispersed, and those remaining in arms to consist merely of small scattered bands of men who are afraid to return to their homes, but who, though unable to offer any serious resistance to regular troops, might keep up for some time a state of brigandage in Poland, similar to that prevailing in the Neapolitan Provinces of the Kingdom of Italy.

M. de Thile, the Under-Secretary of State, represents the Convention to refer solely to the action of the military authorities on the frontier; and as I have said to him that M. de Bismarck had spoken to me of the possibility of Prussia taking active measures in the interior of the kingdom for the suppression of the insurrection, he answered he could not say what M. de Bismarck's intentions might be, and whether he contemplated entering into another Convention with Russia; but that he could assure me the Convention which had been actually signed contained no provisions for such an eventuality.

I understand also from the Austrian Minister that M. de Thile has held the same language to him.

It is not, however, to be forgotten that the Feudal party with whom M. de Bismarck is acting are most anxious for a close union with Russia, in the hope that the alliance of the three Northern Powers, which was broken up by the Crimean war, may be eventually re-established.

No. 45.

Sir A. Buchanan to Earl Russell.—(Received February 24.)

My Lord, *Berlin, February 21, 1863.*

THE policy of the Government in regard to Poland has almost exclusively occupied the attention of the Chamber and the Press during the course of the present week.

In reply to the interpellation of the Polish fraction, a translation of which was inclosed in my despatch of the 14th instant,* M. de Bismarck, in the sitting of the Chamber held on the 16th, read out a written declaration, translation of which is herewith transmitted.

This declaration, as your Lordship will perceive, having left matters much where they were before, and not having thrown the expected light upon the engagements entered into with Russia, the party of progress brought forward a further interpellation, in which the question whether a Convention had been concluded was categorically asked. To the question so put, the Government refused to vouchsafe an answer; but the House nevertheless voted that a debate should take place on the subject, in order to enable it to record its opinion on the supposed policy of the Government.

I have the honour to forward to your Lordship herewith a report of this debate drawn up by Mr. Morier, and I request your Lordship's attention to the abstract therein given of the speech of M. Waldeck, first, because it has excited special attention, and has highly exasperated the semi-official organs of the Government; and secondly, because it fairly represents the feelings of a great portion of the Liberal party in regard to the proposed intervention.

To mark still more its sense of what the exigencies of the present moment demand, the Party of Progress has drawn up a resolution to the effect that "the House do declare that the interests of Prussia require that the Government should abstain from rendering any assistance, or showing any favour either to the Russian Government or to the insurgents, and that consequently neither of the parties engaged be admitted upon Prussian territory without being previously disarmed."

This Resolution has been submitted to a Committee of twenty-one members, and will be brought before the House as soon as the Committee have drawn up their report upon it.

The language of the Liberal Press is unanimous in condemning the policy of the Government, but it is so much an echo of what has been said in the Chamber that a reproduction of it would only be a repetition of what is given in the inclosed report.

A circular addressed by the President of Police at Breslau to the Silesian Press is not uninteresting as showing the possible proportions which the intervention may take. It warns the newspapers against giving any indications of the movements of the troops, saying that all the advantages of sudden concentrations would be thereby lost, "whether such would be required for the defence of the frontier or for direct action in the neighbouring State ('zü einem directen auftreten im Auslande')."

It is further worthy of notice, in connection with this subject, that Thorn and other important towns situated in the Polish districts have sent up deputations, principally composed of Germans, to protest against the rumours put about to the effect that the districts from which they come were disturbed, or that the inhabitants apprehended danger.

I have, &c.
(Signed) ANDREW BUCHANAN.

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* No. 31.

Inclosure 1 in No. 45.

Ministerial Reply to the Interpellation of the Polish Fraction respecting the Proclamation of the President and the Military Governor of the Grand Duchy of Posen.

(Translation.)

THE Government reply to the interpellation addressed to them by a "No," to the first question, and by a "Yes," to the second.* They approve of the Proclamation both as regards its form and as regards its contents, and they will avail themselves of the occasion which the interpellation affords them to declare what is the attitnde they propose to assume towards the insurrection that has broken out in Poland.

This insurrection has assumed proportions in parts of the kingdom, and especially along the Prussian frontier, the importance of which extends beyond the limits of the Kingdom of Poland. The incontestable object of the movement is the restoration of an independent Polish State, as nearly as possible co-extensive with the former one. Now, even if this object did not necessarily imply a craving after Prussian territory, the Government would, nevertheless, be not only justified, but in duty bound, to consider how far the attempt to overturn the relations of the neighbouring State, as by Treaty established, might re-act upon the interests which Prussia has at stake, and what steps might be necessary to safeguard these interests.

As any consideration of this kind would undoubtedly lead to the conviction that a realization of the objects aimed at by the Polish insurrection would threaten, if not the territorial possessions, at least the interests and security of the Prussian State, the duty of the Government clearly is to oppose itself to the movement, without waiting that it should assume larger proportions, and so necessitate increased sacrifices to put it down. The Government must expect that the Polish insurrection, although at present only directed against the Government of the neighbouring State, and without necessarily being ultimately successful, will yet, during its continuance, draw the interests of Prussia into a state of fellow-feeling with it ("Mitleidenschaft"), the evil consequences of which will be the more sensible the longer the insurrection lasts. We have official proofs in our possession of the endeavours made to prepare the insurrection on Prussian soil, so that should a favourable opportunity present itself, it may at once be called into activity.

It is true that the Government feels sure of the fidelity and devotion to order of the great majority of the Polish subjects of His Majesty, but even in the Kingdom of Poland the instances have been few of the burgher and peasant populations giving a voluntary support to the insurrection. It is around the "noyau" furnished by the foreign emissaries and returned emigrants that the small nobility, assisted by a portion of the clergy, has gathered with its numerous followers, servants, and labourers, and these elements have been sufficiently strong to give up to anarchy large districts, in which the life and property of the inhabitants are left at the mercy of every act of violence, and the peaceful citizens are forced by threats to serve the purposes of the insurrection.

If a similar state of things, to the same extent at least, is not likely to be introduced amongst us, it is nevertheless the duty of the Government to give timely protection to the subjects of His Majesty against dangers to which they might be exposed by violence or temptation. To fulfil this duty to its utmost extent will be the endeavour of the Government, whilst they are at the same time determined, where the public order may seem to be threatened, to avail themselves immediately, for its restoration, of all the means at their disposal.

Inclosure 2 in No. 45.

Report of Debates in the Prussian Chamber on the Polish Question, on the 18th February, 1863.

THE following interpellation was addressed to the Government in the sitting of the 18th :—

"Has a Convention been concluded between the King's Government and the Imperial Cabinet of Russia for the suppression of the insurrection in Poland; and if so, what are its contents?"

The President of the Chamber having called upon the Minister President to reply to this question, M. de Bismarck rose and said that the Government did not intend to reply

* The two questions were—first, whether a new kind of Administration, mixed civil and military, had been introduced in Posen; and, secondly, whether the Government approved of the Proclamation.

to it. Whereupon M. de Unruh observed that notwithstanding the refusal of the Government to answer the interpellation, he would move that a debate be opened on the subject, as it was one of such importance that the opinion of the House in reference to it ought to be placed on record. According to the trustworthy information of the local papers and to the reports given by members of that House, living contiguous to the districts concerned, it appeared that no movement of any sort of consequence had manifested itself in any portion of the Polish possessions of Prussia, notwithstanding which two entire army corps had called in their reserves, which, according to the new organization of the army, was equivalent to being put on a war footing, and it was rumoured that two more would follow their example. This would be equivalent to the mobilisation of half the military forces of Prussia, and he would ask the House what possible purpose such armaments could serve? Was the step taken because of the imminent danger of the Polish provinces of Russia setting up their independence and taking a threatening attitude towards Prussia? It was clear that, at present at least, there was no sort of probability of such an issue. Or was it an act of political friendship towards Russia? The speaker then went on to review the relations that had subsisted between Russia and Prussia since the wars of the Empire, and enumerated the various unfriendly acts of which the latter had to complain, deducing therefrom that it had never been the policy of Russia to see a great and strong Prussia grow up by her side, and that a subserviency of Prussian interests to those of her Imperial neighbour was from every point of view the most fatal error that a Prussian statesman could commit. He then adverted to the special dangers attaching to a policy of this kind in connection with the Polish question, as involving the hostility of France and England, and concluded by saying that he could not bring himself to believe that it was the intention of the Government to take their proposed measures on the ground of the so-called "solidarity of Conservative interests," which was nothing but a league of absolute Governments against the liberties of their peoples, nor would he believe that the Government were looking out for foreign broils to get out of their home difficulties. If, however, an aggressive policy of any of the kinds described were to actuate the Government, he had the full confidence that the Chamber would not vote one thaler in support of it.

M. de Bismarck said he would be delighted to take lessons in Prussian policy from the wider experience and deeper knowledge of the gentleman who had just sat down, but he would be obliged to him to afford him the opportunity of taking them in private, or, at least, in some less public place than the Chamber. It was easy to bandy about strong expressions respecting the foreign policy of the Government; but he thought that publicity and the effect produced in foreign countries should prescribe limits to the abuse lavished on one's own Ministers. As regarded the armaments to which allusion had been made he denied that any portion of the army had been mobilized. Not a single extra horse had been bought for the Artillery and Cavalry. All that had been done was to call in the reserves of the Infantry. It was no business of his to enter into an academic dissertation on the foreign policy of Prussia; and his position as Foreign Minister prevented him from expressing sympathies or antipathies for any foreign Cabinet. He could not, therefore, follow M. de Unruh in his retrospective review of the relations between Russia and Prussia; but he could tell the House that the Government were not carrying out a Russian but a Prussian policy, and that its object was to protect the King's subjects against the dangers of insurrection. It had been hinted by the last speaker that threats had been made or advice offered to the Government in reference to their attitude in regard to the insurrection. The Government had received nothing of the sort, and did not intend to receive anything of the sort.

M. Waldeck.—The Minister President has vouchsafed to give us a few particulars about the military preparations actually made; but he has maintained silence as to whether or not a Convention has been concluded with Russia. This silence can only mean that such a Convention has been concluded, for otherwise he would, if not out of respect for us, at least out of respect to the country and to Europe, have answered our interpellation with the simple "no," which alone would be compatible with the honour and dignity of Prussia. A Convention to assist such a State as Russia in putting down her disaffected subjects was a something so monstrous that it was difficult to find the proper category amongst public acts wherein to range it. It could not for one moment be classed with a Treaty for assisting an allied State in defending itself against foreign foes. It was nothing more nor less than the sending over of gendarmes and armed police to a country whose existence had hitherto depended alone on police and gendarmes. And this was a part to be undertaken by a State that pretended to at the head of German civilization! The man whose face did not flush with shame at such a thought was not worthy to be a Prussian or a German. (Loud cheering from the great body of the House, and

groans from the Government eleven.) The party to which the Minister President belongs is that which, in opposition to the votes of the Chamber in 1854, endeavoured to force the country into active co-operation with Russia during the Crimean war; this, at least, was a policy that could be defended on political grounds: but in what political dictionary could the right term be found for a police intervention in behalf of a foreign State? The character of the present insurrection had been correctly described by the first speaker: it was not an organized revolt for political purposes, but a cry of anguish raised from an oppressed country. Could it for one moment be supposed that the unhappy creatures who fled to the woods and the desert places for refuge against a brutal tyranny were likely to make an aggressive movement against the Prussian frontier. Our safety against such dangers must be sought in the contrast afforded by our own administration of our Polish provinces as compared with Russian rule, and not in aiding and abetting that system of Government.

The speaker then turned to the position assumed by the Government in reference to the interpellation. The Government treats us, he said, in regard to foreign matters as it did in reference to internal concerns. When we refused certain items of the Budget the Ministry told us, "We will incur the expenditure all the same." When, in reference to our foreign policy we ask whether a Convention, which may lead forth our children to an unjust war and take our earnings from our pockets, has been concluded, we are told, "This is no concern of yours; we will not show you the Convention." Is it, then, so insignificant a thing that our children should be led forth to do hangman duties to an absolute Government? Not in the interest of Prussia, let it be clearly understood, is this work to be done, but in the interest of absolutism, as such. The only parallel for it is to be found in the sale during the last century, by the Elector of Hesse, of his troops to the British Government for putting down the revolted American States; but the day for a policy of this kind is passed, and Kings can no longer treat the lives of their subjects as private property to be employed no matter on what frivolous and quixotic adventures. An intervention on our part—let us not disguise the fact from ourselves—would be damned by the whole civilized world. Austria condemns it, England openly condemns it, France rejoices at the opportunity afforded her of making herself popular at our expense. Even in Russia the principles upon which such an intervention would be based have of late come into discredit, and the Emperor Alexander has himself endeavoured to adopt a more liberal policy. It is true that in so doing he has incurred the heavy displeasure of those Prussian admirers of Russia to whom the Minister President belongs. Who knows? It is, perhaps, to bribe Russia back to her old faith that the present assistance is offered to her. There was a policy which Prussia might have followed; she might in a friendly manner have offered her advice to Russia, and warned her of the dangers she incurred by abandoning the road of legality and ordering the barbarous conscription which has called forth the present rebellion; and more than any other State Prussia might have expected that from her such a warning would not have been in vain. But a sound foreign policy of this sort is as little to be expected from the present Ministry as a sound internal policy. The Minister President has protested against heaping abuse upon the Government in the face of Europe. But I deny that this is what we are doing. To point out the faults committed by the Government is not to heap abuse upon it, and the course we are following will strengthen and not weaken the State. What we do is to show to Europe that if the Prussian Government is on the wrong path, the Prussian people at least will not encourage it along this path. This is our business here this day, and if the Minister-President will not lay the Convention before us, and if its contents are such as the papers describe them, we shall at least, by what we have said to-day, have protested by anticipation against it as against the interests of Prussia, as opposed to the principles of international relations, and as unparalleled in the annals of history. (Loud and prolonged cheering).

M. de Bismarck in reply said that the speaker who had just sat down had declared that a simple "No" was the only reply to the interpellation that would have been compatible with the honour of Prussia. He (M. de Bismarck) thought he knew quite as well as M. Waldeck what was due to the honour of Prussia, and would take the opportunity of recalling the statement of a great English statesman to the effect that the worst of all monopolies was the pretended exclusive possession of political insight and virtue. In conclusion, he denied the authenticity of a letter that had appeared in the "Czas" newspaper, purporting to be addressed by a person in the Chancery of the Grand Duke Constantine to the Russian Legation here, and in which the offers of Prussian assistance were treated very cavalierly, and described as forced upon the Russian Government.

A few more less important speeches having been delivered, the closing of the debate was moved and carried.

No. 46.

Mr. West to Earl Russell.—(*Received February* 24.)

My Lord, *Turin, February* 21, 1863.

I ASKED Count Pasolini, at an interview which I had with his Excellency this day, whether the Italian Government intended to take any measures to prevent meetings and demonstrations in favour of Poland from taking place.

He replied that the course which had been pursued with respect to the meeting lately held at Genoa was that which would be followed in similar cases. A Constitutional Government could not prevent public meetings from being held, or the sympathies of the people for any particular cause from being publicly expressed; but what it could prevent, and what it would prevent, was to open collections of money or arms for purposes avowedly directed against a friendly Power, and the law provided for this.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 47.

Earl Cowley to Earl Russell.—(*Received February* 24.)

(Extract.) *Paris, February* 23, 1863.

I CALLED this afternoon on M. Drouyn de Lhuys, and read to him your Lordship's despatch of the 21st instant, stating that Her Majesty's Government entertained precisely the same views with the French Government, as communicated to your Lordship by Baron Gros, with respect to the Convention relative to Poland signed between Prussia and Russia.

No. 48.

Earl Cowley to Earl Russell.—(*Received February* 28.)

My Lord, *Paris, February* 27, 1863.

I SAW M. Drouyn de Lhuys this afternoon. He expressed himself to be anxious for the reply of Her Majesty's Government to the proposals which Baron Gros had been charged to make to them with reference to the Convention signed at St. Petersburgh.

He said that he had seen both the Russian and Prussian Ambassadors; that both evinced alarm at the present aspect of affairs, and had deprecated any collective step on the part of other Powers. M. Drouyn de Lhuys, on the contrary, had argued that it was far better for both the Russian and Prussian Governments, that if other Powers agreed in condemning their acts, that agreement should be signified to them simultaneously, and in the same terms. There was, however, no intention of doing this in an offensive manner.

I have, &c.

(Signed) COWLEY.

No. 49.

Sir A. Buchanan to Earl Russell.—(*Received February* 28.)

My Lord, *Berlin, February* 26, 1863.

I HAVE the honour to transmit herewith the copy of a Report which I have received to-day from Her Majesty's Consul at Stettin, inclosing a translation of a Memorial addressed by the inhabitants of Stettin to the Minister of Commerce setting forth that their interests may be seriously compromised by events in Poland.

I have, &c.

(Signed) ANDREW BUCHANAN.

Inclosure 1 in No. 49.

Consul Blackwell to Sir A. Buchanan.

Sir, *Stettin, February* 25, 1863.

I HAVE the honour to transmit herewith inclosed, a translation of a Memorial of the Stettin corporation of merchants to the Prussian Minister for Trade, &c., together with a copy of the evening edition of yesterday's "Ostsee Zeitung," in which the original is published.

In submitting this document to your Excellency's consideration, it may not be irrelevant to observe that the recent Convention with Russia has met with general disapprobation here, and caused no inconsiderable anxiety to the merchants who are in commercial connection with Poland.

I have, &c.
(Signed) J. A. BLACKWELL.

Inclosure 2 in No. 49.

Memorial.

(Translation.)

THE recent debate in the Chamber of Deputies having shown how the alarming events that have taken place in the neighbouring Kingdom of Poland may be detrimental to Prussian subjects on this side of the frontier, we trust that we may be pardoned if we venture to point out to your Excellency how greatly these events affect our commercial and shipping interests.

Not only our timber merchants, who draw their supplies almost exclusively from Poland, have advanced a considerable amount of capital in the engagements they have entered into in that country, but, in conformity with the usages that prevail in the trade, the bulk of the supplies of corn from the Bug, the Nareff, the Upper and Lower Vistula, and the Warthe is, for the most part, paid for in advance with Prussian money. If to this we take the interests of the merchants of Berlin, Dantzic, Königsberg, and Posen into consideration, we may safely aver that, at a moderate estimate, capital to the amount of several million dollars is invested in Poland, the loss of which would be productive of the greatest calamity to Prussian subjects.

There are, moreover, hundreds of Prussian bargemen plying with their barges in Polish rivers, and who are, therefore, imperilled, not only as to their goods and chattels, but also as to their persons, and often likewise as to their families.

Regarding your Excellency as our natural defender, we have endeavoured to represent the danger to which the life and property of Prussian subjects within the frontiers of the Kingdom of Poland are exposed, and to show that this is a question of as great an importance—and, in a pecuniary point of view, probably of a much greater importance—as the interests that may have to be protected on our frontiers.

To substantiate this is what we have deemed to be our vocation and our duty.

Stettin, February 20, 1863.

No. 50.

Lord Napier to Earl Russell.—(Received March 2.)

(Extract.) *St. Petersburgh, February* 19, 1863.

I TOOK occasion to speak to Prince Gortchakoff this forenoon on the affairs of Poland.

His Excellency qualified the insurrection very much as we see it described in the official newspapers here, and, I may add, very much as it appears to Her Majesty's Consul at Warsaw—as a movement of the very poorest order of nobility, of the artisans in the towns, and of the standing cosmopolitan revolutionary conspiracy abroad. He said that not one single landed proprietor of any importance had joined the revolt, the socialist character of which was proved by the proclamation of the Committee at Warsaw, which gave the peasantry full property in their holdings. The peasantry, according to Prince Gortchakoff, had remained favourable to Government, and that disposition could at any moment be converted into the most active support, if the Imperial Government held out the least hope of a confiscation of the land in their favour, or even ceased to enforce the rights of the proprietor. The Vice-Chancellor added, most emphatically, that the

Emperor had never, since the beginning of the outbreak, been moved to the least feeling of an impatient nature. Not a word of incrimination against the Poles had ever passed His Majesty's lips, even when his soldiers had been massacred, whom he regarded as his children. His Majesty's sentiments and intentions regarding Poland remained unaltered. No doubt the difficulties of the case were very great, and one of the greatest was the pusillanimity of the moderate party, which dared not give the Government any active support. The Vice-Chancellor saw nothing for it but to resume and carry on the same course of conciliatory policy when this sanguinary interval had passed away.

No. 51.

Lord Napier to Earl Russell.—(*Received March* 2.)

(Extract.) *St. Petersburgh, February* 21, 1863.

PRINCE GORTCHAKOFF spoke to me this forenoon respecting the affairs of Poland, recapitulating nearly the same observations which were reported to your Lordship in my despatch of the 19th instant, respecting the character of the insurrection, the barbarities practised by the rebels, and the benevolent policy of the Emperor.

I remarked to the Vice-Chancellor that I made no doubt of the good intentions of His Imperial Majesty, who was, I believed, firmly bent upon establishing a just and humane Government among his Polish subjects. Moreover, ever since I had made the acquaintance of Marquis Wielopolski, I had been firmly persuaded of the sincerity and patriotism of that statesman, and all my aspirations were for his success in the arduous task of improvement and conciliation which he had undertaken. Nevertheless, I did not like to leave him, the Vice-Chancellor, as he had voluntarily raised the subject, under the impression that I thought the conduct of the Russian Government had been wise or just in the matter of the military recruitment. I could not but regret and condemn that measure in the interest of the Russian Government itself.

The Vice-Chancellor replied with promptitude, "I regret it too;" and then his Excellency went on to explain and extenuate the course pursued, which he said had no other view than to clear off a number of ill-disposed persons and open a fairer path to the peaceful realization of the administrative reforms projected by the Emperor. His Excellency added that the measure of the military recruitment had originated with Marquis Wielopolski.

I said I had understood that the Marquis had approved of the measure or assented to it. I was surprised to learn that he had suggested it.

He was the first adviser of it, the Vice-Chancellor replied.

No. 52.

Lord Napier to Earl Russell.—(*Received March* 2.)

(Extract.) *St. Petersburgh, February* 21, 1863.

PRINCE GORTCHAKOFF spoke to me spontaneously this morning concerning the recent engagement between the Russian and Prussian Governments for the suppression of the revolt in Poland. The Vice-Chancellor observed that the greatest exaggerations and misapprehensions prevailed on this subject in Germany. The Agreement signed by him with the Prussian Military Agent (for Convention he would not call it) had no political character or significance whatever; it was simply an arrangement for the maintenance of security on the borders of the two countries. The insurgents were in the habit of falling on the Custom-house stations and other localities where public funds were deposited. It was necessary that the Agents of Government should be enabled to withdraw with their funds from threatened posts to place of safety, if necessary even on foreign territory. Such a liberty was assured for them; and if they were pursued by the rebels, the latter in their turn would be followed by the Russian troops over the frontier until they fell in with an armed force of Prussians.

I asked Prince Gortchakoff whether the Agreement secured to each of the Contracting Parties generally the right of penetrating into the territory of the other in the course of these operations.

The Vice-Chancellor replied rather vaguely, and seemed to wish to attach the right of traversing the frontiers particularly to the designs of the insurgents against the revenue stations. He did not offer to show me the Convention; but he said that the Emperor had

desired to have it published, and if this had not been done it was owing to objections in another quarter. There was reason to hope that the Agreement might never be carried into effect, for the forces of the revolt were gradually drawing from the Prussian frontier to that of Austria. His Excellency added that the prevailing disorders had given an immense impulse to contraband trade, and that the Minister of Finance was already crying out loudly.

I did not continue the conversation. I make it a rule never to originate any discussion on Polish affairs with the Minister. I think it most prudent to await the orders of Her Majesty's Government.

No. 53.

Colonel Stanton to Earl Russell.—(*Received March* 2.)

My Lord, *Warsaw, February* 20, 1863.

ON the 17th instant I had the honour to forward to your Lordship per post a translation of an order by the Military Chief of the Warsaw Department, promulgating certain rules to be adopted by the inhabitants of the town of Warsaw, as well as conveying threats in cases of non-compliance with the same.

The publication of these rules caused the greatest terror amongst the inhabitants, many of whom were firmly convinced that it was the intention of the Government to give the town over to the troops to pillage in case of any disturbance arising, and the barbarities committed by the troops in some country towns and villages assisted in keeping up the anxiety. In the meantime, my Lord, the National Committee had issued an order of the day, under date of the 14th February, calling upon the youths under 18 years of age to attend diligently to their studies, as the only means of preparing themselves to render good service to the country; also warning the workmen not to allow themselves to be enrolled except by persons acting under the orders of, and with a proper commission from, the the national authorities, desiring them not to leave town on any pretext except under the orders of the enrolling officer, as otherwise they were liable to become the victims of spies, &c., concluding with the following paragraph:—

"As the sudden flight of many officials of the conqueror to the citadel, and the continuance of oppressive regulations, may give an opportunity to Muscovite agents to avail themselves of the natural disposition of the inhabitants to produce demonstrations, especially under the prevailing opinion that their city is likely to be exposed to the same fate that has befallen other towns which have been pillaged, the inhabitants are particularly desired to avoid any kind of demonstration, as these would only serve as an excuse to the oppressors, and to the traitor Wielopolski, for fresh rigours. The inhabitants will be informed by proclamation whenever their services are required, but at present the cause of their country can be best served by the most peaceable demeanour; this must not, however, prevent them from preparing arms and ammunition, which may be necessary alike to defend the independence of their country or their own homes, should they be assailed by the enemy."

These two proclamations appear, my Lord, to have been issued by the two parties under a mutual fear, and as it was a fact that many Russian officers had removed their families into the citadel, the report was more readily credited that, in case of disturbance, the town would be pillaged, than might otherwise have been the case; moreover, an outbreak in Warsaw itself had been announced as probable towards the end of this present month, which has tended to keep up a state of anxious expectation amongst all parties.

Fortunately, my Lord, hitherto no demonstration has taken place in this town, but should such occur I fear that the strongest measures will be taken to put it down, and that much blood will be shed in the attempt.

I have, &c.
(Signed) EDWD. STANTON.

No. 54.

Colonel Stanton to Earl Russell.—(*Received March* 2.)

(Extract.) *Warsaw, February* 23, 1863.

SO many reports having been spread of the excesses and cruelty of the Russian troops engaged in the suppression of the outbreak in this kingdom, and it being so difficult

to arrive at the truth of these statements from the exaggerated reports generally in circulation, I beg leave to forward to your Lordship a copy of a statement that has been given me from a reliable source of an attack made by a detachment of troops on the mansion of Count Poletylo, a member of the Council of State of the kingdom, situated in in the Government of Lublin, from which it appears that, without the slightest opposition being offered to the troops, the mansion was stormed, and the inhabitants most barbarously treated.

I must apologize to your Lordship for sending so verbose a document as the inclosed statement, but I have considered it better to forward it to your Lordship in the form in which it was given me. I beg also to state to your Lordship that, on the matter being reported to the Grand Duke, his Imperial Highness immediately ordered an inquiry into the affair, the result of which has not been made public; but I am informed, on official authority, that the military report of the transaction does not attempt to deny the excesses committed, but states, in justification, that shots were fired at the troops, both from the mansion and a public-house near at hand. Whether, my Lord, this statement may be correct or not, it appears, at all events, that no attempts were made by the officers in command of the troops to prevent the excesses committed by them in the house of a member of the Government.

I may also mention to your Lordship that it is reported, on good authority, that on the estates of the Count Constantine Zamoyski the most serious injury has been done by the troops, and amongst other valuables destroyed, it is mentioned that a portion of the family papers and documents extending over many years have been burnt, whilst it does not appear that any insurgents were on the premises destroyed.

Many other cases of pillage and burning by the troops are mentioned, but it would be only wearying to your Lordship to send *ex parte* statements; as yet I have not heard of any excesses committed by the insurgents beyond appropriating arms, food, and horses, of which they have been in need.

Inclosure in No. 54.

Report of Attack on the Mansion of Count Poletylo.

LE Comte Léopold Poletylo, membre du Conseil d'Etat dans le Royaume de Pologne, après avoir ramené sa femme à Nice, qui y est allée pour cause de santé, est revenu s'établir dans sa terre de Woislawice, dans le Gouvernement de Lublin, auprès de ses deux fils en bas âge, avec la ferme intention d'attendre les évènements qui se préparaient.

L'insurrection éclata, et il persista dans le principe qu'il avait toujours franchement énoncé, que ce mouvement ne pouvait avoir d'autres résultats que d'amener des répressions et des calamités au pays. Pas un de ses employés ni de ses domestiques ne marcha à l'insurrection, et sur son territoire il n'y a eu ni conflit ni même rassemblements.

Le 12 du mois de Février se réunirent chez lui pour fêter le jour de naissance de son fils ainé âgé de cinq ans, son beau-frère M. Titus Woyciechowski, avec son fils Joseph Woyciechowski, le ci-devant Colonel des Grenadiers de la Garde Polonaise Dunin, le ci-devant Major de l'armée Polonaise Kunn. Ces messieurs, heureux de se voir réunis, s'entretenaient, en prenant leur café et fumant leurs cigares, des évenèments du jour; quand à 3½ de l'après midi le régisseur de la terre Salkowski vint annoncer qu'un détachement de troupes, qui se composait de trois compagnies d'Infanterie, d'un escadron de Lanciers, de deux canons, et de quelques Cosaques, avaient fait une visite domiciliare du Château de Rakolupy, appartenant au Comte Aurèle Poletylo, qu'ils marchaient sur Woyslawice et arriveraient dans une demie-heure.

Ces messieurs se consultèrent sur le parti à prendre. Il aurait été facile d'éviter le rencontre des troupes, car le tems était plus que suffisant; mais les deux vieux militaires décidèrent qu'on pouvait très calmement les attendre, vu que ce n'était pas une horde de Tatares mais des troupes régulières commandés par des Chefs civilisés, des hommes d'honneur qui rempliraient la visite domiciliaire, et ne trouvant rien quitteraient la place.

On devisait là-dessus, quand on entendit dans la lointaine des coups de feu, et deux coups de canon tirés dans la petite ville de Woyslawice, située à un quart de lieue du château. Ces coups de feu tuèrent quatre hommes inoffensifs et en blessèrent quelques autres.

Alors on vit des fenêtres du château quelques Cosaques allant au galop sur le chemin dans la direction d'Uhair, et quelque temps après on vit des Tirailleurs se développer et marcher sur le château, où les balles commencèrent déjà à arriver et brisaient les fenêtres. Suivait la masse d'Infanterie, qui cerna le château. On mit les canons en position à 150

pas, et c'est là aussi que se tinrent les officiers, tandis que l'Infanterie s'approcha du château et brisa les fenêtres avec les crosses. Le Comte Poletylo voulut par trois fois aller au-devant des troupes pour traiter avec le commandant de l'expédition, et préserver les habitants du château et ses hôtes d'un danger imminent, mais il fut toujours retenu par son beau-frère Woyciechowski, qui lui fit remarquer qu'il n'y avait à qui parler, vu qu'aucun officier, même subalterne, ne paraissait.

Alors commença un carnage effroyable qu'on ne peut raconter sans horreur.

Les soldats ayants brisé les fenêtres se mirent à tirer presque à bout portant sans avoir blessé personne jusque là, mais quand ils entrèrent dans la vestibule et commencèrent à massacrer les domestiques à coups de baïonnette et de crosse, le Comte Poletylo, persuadé qu'il n'avait plus qu'à compter ses jours que par minutes prit congé de son beau-frère Woyciechowski et de ses hôtes, et en disant que son devoir était de mourir auprès de ses enfants, il y trouva ses deux fils, Madame Dunin sa tante, et trois femmes de service agenouillés ; il en fit autant, et pendant une heure et demie tant que dura le carnage il passa ce tems à prier en attendant la mort. Le Comte, ses enfants et les femmes qui l'entouraient furent sauvés comme par miracle, car la porte de la Chambre où ils se trouvaient n'était qu'entrebaillée, et tout à côté les soldats avaient tiré dans tous les sens et ont brisé toutes les portes.

Vers six heures du soir le feu cessa, et le Comte en quittant sa retraite apprit et trouva ce qui suit.

M. Woyciechowski et son fils Joseph se retirèrent dans le cabinet du Comte, et comme on commença de mitrailler le château, les biscayens qui traversèrent les fenêtres tirèrent sur Joseph Woyciechowski, âgé de 24 ans, jeune homme brillant, et contusionnèrent son père. Le Major Kunn et le Colonel Dunin attendaient les assassins dans des pièces séparées.

Le Major Kunn fut assailli par une masse de baïonnettes qu'il écartait de ses mains, et alors deux balles lui enlevèrent deux doigts à chaque main; ensuite il reçut quelques coups de baïonnette dans la poitrine et une masse de coups de crosse sur tout le corps. Les soldats victorieux emmenèrent ce prisonnier et le conduisirent vers un officier, auquel il demanda à être pansé, car il perdait beaucoup de sang ; mais l'officier Russe lui répondit qu'il y avait des médecins, des chirurgiens, et des pansements, mais que c'était pour panser les soldats et non ceux qui étaient les ennemis de la nation Russe, et il finit par lui donner un coup de sabre à la figure.

Le Colonel Dunin, âgé de 70 ans, les bras croisés, assis calmement sur un canapé du salon, attendait l'attaque, quand la porte s'ouvrit, cinq fantassins tirèrent à la fois sur lui. Il eut cinq blessures; une balle frisa le crâne et le blessa, deux balles traversèrent le cou, deux chevrotines vinrent se loger dans la mâchoire. Ensuite les soldats se ruèrent sur lui, et il fut blessé à la main en repoussant les baïonnettes. Il voulut arrêter la fureur de ces assassins, et il leur fit observer qu'ils devaient le ménager comme vieillard et ancien militaire ; pour réponse il reçut des injures et des coups de crosse. Alors les soldats, en le soutenant, parce qu'il faiblissait en perdant beaucoup de sang, l'amenèrent au Major commandant le détachement, qui se tenait impassible près des canons, au milieu de cette scène de carnage. Le Colonel Dunin adressa la parole au Major en ces termes, "Vous êtes soldat, et vous n'avez pas honte d'exterminer ainsi des gens sans armes et qui ne peuvent pas se défendre."

Le Major lui répondit qu'on avait tiré 100 coups de feu du château et qu'alors il avait fait attaquer. Le Colonel Dunin lui dit à ceci: "C'est un infâme mensonge. Je suis un ancien Colonel de la Garde des Grenadiers, Aide-de-camp du Général de Division Zyminski; je suis décoré: eh bien ! je vous jure sur mes cheveux gris, je vous donne ma parole d'honneur de soldat, que depuis les évènements il n'y a pas eu un seul insurgé dans le château, et qu'il n'y a pas une seule arme dans la maison, ni fusil, ni revolver, ni sabre—en un mot rien. Du reste je suis entre vos mains ; faites faire une visite domiciliaire, et si vous trouvez autre chose que quelques canifs et des couteaux de table, vous me ferez fusiller." A cela le Major lui dit: "Mais qu'est-ce que vous me racontez, quand j'ai vu un individu dans la cour tirer sur moi-même à vingt pas."

Le Colonel Dunin lui répondit: "Comment osez-vous faire un pareil mensonge? Mais, mon Dieu, quel Chef êtes-vous, et comment n'avez-vous pas fait saisir cet homme dans une cour remplie de soldats ?"

Le Major Russe comprit qu'il avait dit une bévue, se tut, et à un signal donné le feu cessa ; à un second signal les soldats reprirent leurs rangs : or ce n'est pas par la fureur de soldats insubordonnés, mais bien par l'ordre des Chefs, que le crime a été commis.

Ensuite le Major fit appeler le Maire du village, et remit à sa surveillance les blessés, à la suite de quoi il dit aux soldats qu'ils s'étaient comportés courageusement en héros, il alla souper à un quart de lieue de là, et le lendemain il retourna après cette glorieuse équipée à Krasnystaw.

Il y a eu six morts, quatre à la ville de Woyslawice, et deux au château—M. Joseph Woyciechowski et un domestique ; en outre il y a eu au château neuf blessés et roués de coups de crosses, qui ont été onze heures sans être pansés, vu qu'il n'y avait pas de médecins ou autres secours à leur donner sur les lieux.

Le sac de la maison a été complet. Le rez de chaussée a été mis en pièces, meubles, glaçes, porcelaines, tout a été brisé ; on mettait le linge en lambeaux. On a enlevé les bijoux de la Comtesse, on a retiré de la poche du Colonel Dunin 12,000 florins, on a pris à une femme de chambre 3,000 florins d'épargnes en lettres de gage, au Contrôleur Gorchowski 12,000 florins dans le même genre de papier, qui constituait tout son avoir, le résultat des épargnes faites pendant une longue série d'années.

Nous ne sommes pas encore parvenus à apprendre le nom du Major Russe qui a commandé cette campagne, mais nous sommes à même de citer le nom du Colonel Baumgartner, Commandant Militaire du district de Krasnystaw, qui ayant à combattre une bande d'insurgés de 2,000 hommes à quatre lieues de là, à Dubienka, se contenta d'envoyer une colonne mobile à Woyslawice pour égorger un Conseiller d'Etat et ses hôtes, tous hommes inoffensifs et sans armes.

(Translation.)

COUNT LEOPOLD POLETYLO, a member of the Council of State in the Kingdom of Poland, after taking his wife back to Nice, where she had gone on account of her health, had returned and established himself at the estate of Woyslawice, in the Government of Lublin, with his two infant sons, with the firm intention to await forthcoming events.

The insurrection broke out, and he persisted in the opinion he had always frankly avowed, that this movement could have no other result than to bring repression and calamities upon the country. Not one of his employés or servants joined the insurrection, and there was no conflict nor even assemblage on his estate.

On the 12th of February, his brother-in-law, M. Titus Woyciechowski, with his son, Joseph Woyciechowski, Dunin, formerly Colonel of Grenadiers of the Polish Guard, and Kunn, formerly Major in the Polish army, met together at his house to celebrate the birthday of his eldest son, aged 5 years.

These gentlemen, pleased with each other's society, were conversing, while drinking their coffee and smoking cigars, upon the events of the day, when at half-past 3 in the afternoon the bailiff of the Salkowski estate came to announce that a detachment of troops, composed of three companies of Infantry, a squadron of Lancers, two cannons, and a number of Cossacks, had paid a domiciliary visit to the house of Rakolupy, belonging to Count Aurèle Poletylo, that they mere marching upon Woyslawice, and would arrive in half-an-hour.

These gentlemen consulted as to what steps to take. It would have been easy to avoid the arrival of the troops, the time being more than sufficient; but the two old soldiers decided that they might calmly await them, seeing that they were not a horde of Tatars, but regular troops, commanded by civilized officers and men of honour, who would make the domiciliary visit, and, finding nothing, would quit the place.

They were still discussing the subject when they heard in the distance the report of fire-arms, and two cannons were fired off in the little town of Woyslawice, killing four inoffensive men and wounding several others. They then saw from the windows of the château some Cossacks galloping along the road in the direction of Uhair, and some time afterwards some riflemen came in sight and marched upon the château, which the balls already reached, and broke the windows. Then followed the mass of infantry which surrounded the château. The cannon were placed in position at 150 feet, at which distance the officers also remained, while the infantry came near the château and broke the windows with the butt-ends of their muskets. Count Poletylo wished three times to go towards the troops to treat with the officer in command of the expedition, and to preserve the inmates of the château and his guests from imminent danger, but he was prevented by his brother-in-law Woyciechowski, who pointed out to him that there was no one for him to address himself to, seeing that no officer, or even subaltern, appeared.

Then commenced a frightful carnage which cannot be described without horror.

The soldiers having broken the windows began to fire point blank without, as yet, having wounded any one, but when they entered the hall and began to massacre the servants with their bayonets and the butt-ends of their muskets, Count Poletylo, feeling convinced that his days were numbered, took leave of his brother-in-law Woyciechowski, and of his guests, saying, that his duty was to die with his children. He found his two sons, with Madame Dunin, his aunt, and three women servants, on their knees. He followed their example, and during the hour and a half that the carnage lasted, he passed the time in prayer, awaiting death.

The Count, his children, and the women who surrounded them, were saved almost by miracle, for the door of the room in which they were was only ajar, and close by the soldiers had fired in every direction and broken all the doors.

Towards 6 o'clock in the evening the firing ceased, and the Count, leaving his retreat, learnt that M. Woyciechowski and his son Joseph had retired to the Count's study, and when the attack on the château began, the musketeers who crossed before the windows fired upon Joseph Woyciechowski, a promising young man of 24, and wounded his father. Major Kunn and Colonel Dunin had awaited the assassins in separate rooms. Major Kunn was assailed by a number of bayonets, which he pushed aside with his hands, when two balls took off two fingers from each hand; he afterwards received several bayonet-wounds in the breast and numerous strokes of the butt-ends of muskets all over his body. The soldiers carried off this prisoner and brought him before an officer, whom he requested to allow his wounds to be dressed, as he was losing much blood, but the Russian officer replied that there were doctors, surgeons, and bandages, but that they were to dress the wounds of soldiers, and not those of enemies of the Russian nation; and he ended by giving him a sabre-cut in the face.

Colonel Dunin, who was 70 years of age, sat calmly on a drawing-room sofa with his arms crossed, awaiting the attack, when the door opened and five soldiers fired simultaneously upon him. He had five wounds: one ball grazed his skull and injured it, two balls went through his neck, two slugs lodged themselves in the jaw. The soldiers then rushed upon him, and he was wounded in the hand in pushing away the bayonets. He tried to arrest the fury of these assassins, and pointed out that they ought to treat him as an old man and an old soldier. They only replied by blows and insults. Then the soldiers, who had to support him as he was getting weak from the loss of blood, brought him to the Major in command of the detachment, who remained passive, near the cannon, in the midst of this scene of carnage. Colonel Dunin addressed the Major in these terms: "You are a soldier, and yet you are not ashamed thus to exterminate people who are unarmed, and who cannot defend themselves."

The Major answered that 100 shots had been fired from the house, and that he had aftewards caused an attack to be made. Colonel Dunin answered, "It is an infamous falsehood. I am an ancient Colonel of the Guard of Grenadiers, Aide-de-camp of the General of the Zyminski Division. I can wear decorations. Well! I swear to you upon my grey hairs, I give you my honour as a soldier, that since the commencement of the insurrection there has not been a single insurgent or arm in the house; there is not a gun, a revolver, or a sword, in a word, nothing. For the rest, I am in your hands; cause a domiciliary visit to be made, and if you find anything but penknives or table-knives you may shoot me." The Major said, "What are you talking of, when I saw a man in the court-yard fire upon me at twenty paces?"

Colonel Dunin answered, "How can you tell such a falsehood! What a commander are you, not to have seized this man in a court-yard filled with soldiers!"

The Russian officer saw that he had made a mistake, and was silent, and at an order given the firing ceased; at a second order they formed rank. Now this crime was committed, not by insurbordinate soldiers, but at the command of their officers.

The Major then had the Mayor of the village sent for, and placed the wounded under his charge, after which he told the soldiers that they had behaved bravely, and like heroes; he then went and dined at a place distant a quarter of a league, and the following day he returned, after this glorious undertaking, to Krasnystaw.

Six persons were killed, four at the village of Woyslawice, and two at the mansion—M. Joseph Woyciechowski and a servant; in addition to this there were nine wounded and bruised with the butt-end of muskets, who were eleven hours without having their wounds dressed, as there were no doctors or other assistance for them on the spot.

The sack of the house was complete. On the ground floor everything, furniture, china, and mirrors, was broken to pieces. The linen was torn to shreds. The jewels of the Countess were carried off: 12,000 florins were taken from the pocket of Colonel Dunin: 3,000 were taken from a maid servant, all her savings, in "lettres de gage:" 12,000 in the same kind of paper from the steward Gorchowski, his whole property, the result of saving for a long course of years.

We have not yet succeeded in learning the name of the Russian Major who commanded in this expedition; but we are able to cite the name of Colonel Baumgartner, Military Commandant of the district of Krasnystaw, who having to attack a band of insurgents, 2,000 strong, at a distance of four leagues from that place, at Dubienka, contented himself with sending a moveable column to Woyslawice to cut the throats of a Councillor of State and his guests, inoffensive and unarmed men.

No. 55.

Colonel Stanton to Earl Russell.—(Received March 2.)

My Lord, *Warsaw, February 25, 1863.*

THE extreme difficulty of procuring really reliable information on the state of events in the disturbed districts of this kingdom, coupled with the mass of false and exaggerated reports that are promulgated by both parties, render it almost impossible for me to convey to your Lordship more than my own impressions on the important events of which this country is now the scene.

Judging from all these reports, it appears, my Lord, that the insurrection continues to have its principal scene of action in the south-eastern portion of the kingdom, where the band commanded by Langiewicz, although it has been several times in collision with the troops, has nevertheless succeeded in keeping possession of a considerable tract of country, and hitherto in maintaining its communications with the Austrian frontier, so as to be able to retire into that country should events render such a step necessary. No very considerable force appears, however, my Lord, as yet to have acted against this band, and the nature of the country in that locality renders it better adapted to partisan warfare than is the case in the other districts of the kingdom.

The most serious check the insurgents have lately received occurred in the neighbourhood of the town of Miechow, near the Galician frontier, and not far from Cracow, where a considerable band was assembled, under the command of one Kurowski. The military authorities of the kingdom had prepared a combined movement from three different points to act against this band, to reoccupy the south-west portion of the kingdom, where the frontier posts had fallen into the hands of the insurgents, and to drive these towards the Prussian frontier.

The insurgents having probably received notice of the march of the several columns, and hearing at the same time that the garrison of the town of Miechow was very much weakened, seized the opportunity to attack the town, and avoiding the columns sent against them, made an attack early on the morning of the 17th instant. The garrison were, however, on the alert, and after a struggle of some hours' duration, the insurgents were repulsed with heavy loss, the remnant of the band escaping across the Austrian frontier. A considerable portion of the town was destroyed, and reports state that several of the inhabitants, including the Mayor of the town, were massacred by the troops after the action.

The insurgents suffered also another serious loss at Rudka, on the River Bug, on the 17th instant, where two bands are reported to have been destroyed, with a loss of 400 in killed.

These reverses do not, however, my Lord, appear to discourage the insurgents, and fresh bands are formed in various parts of the kingdom as soon as the troops are withdrawn, and a system of warfare most harassing to the troops appears to have now been adopted; the insurgents endeavouring to avoid regular operations against their enemy, and confining themselves to desultory warfare.

On the 22nd instant His Imperial Highness the Grand Duke received a report that a band had been attacked and dispersed near the town of Isbica, not far from the Prussian frontier, and that papers were captured which established the fact that this band had been organized by Mieroslawski in person, who was stated also to have been present at the commencement of the affair, but to have left immediately in the direction of the Prussian frontier.

It is, my Lord, a fact worthy of note that, notwithstanding the disasters that have already befallen so many bands of insurgents, and the severe losses they have sustained, the insurrection is still far from being suppressed; and that fresh victims appear ready to sacrifice themselves to keep alive the embers of revolt throughout the kingdom. And I am firmly impressed that the belief still exists amongst their leaders that the insurrection may be shortly extended to the other Polish provinces of Russia, in which case the difficulties of the troops will be very much increased, and the probabilities of an early suppression of the revolt diminished. Nor, my Lord, does this belief appear to be quite without foundation, as reports have just arrived here that in some parts of Lithuania bands have commenced to form, comprising, amongst their numbers, some small landowners and peasants; but hitherto within the kingdom, as far at least, my Lord, as I am able to judge, this latter class has not shown any disposition to join the ranks of the insurrection, but I imagine their attitude must not be attributed to any great feeling of loyalty to the Russian Government, but to their conviction that at present, at least, the Government is the stronger of the two parties, and, therefore, that it is safer for them to remain quiet. How

long this feeling may last it is not easy to foretell; but it cannot be doubted that every effort will be used by the Revolutionary party to induce them to join their ranks.

The position of the Polish nobility continues to be one of the utmost difficulty, and the pressure brought to bear on them, as a class, to induce them to join the movement becomes daily more difficult to be resisted. A paper purporting to be a programme of the moderate party has been promulgated, which calls upon the insurgents to disperse and to return to their homes, as at present it is impossible for them to obtain any permanent advantage over the superior forces of the Russian Empire, and stating that it is the duty of the aristocracy of the kingdom to abstain from taking part in the insurrection, so as to be in a position to act as mediator between the Government and the insurgents.

Hitherto, my Lord, the students of the several schools in Warsaw have refrained from joining the national ranks, but it is thought by many that this is merely in accordance with the decision of the revolutionary leaders, and that the time is not far distant when these also will join the insurgents.

The great difficulty in the way of success to the Polish cause is the want of proper arms and ammunition, and the impossibilities they suffer under of receiving the necessary supplies of these; but the sympathies shown thoughout Europe for their cause since the commencement of the present outbreak, and the hopes conceived of diplomatic intervention in their favour, have undoubtedly, my Lord, contributed much to keep up the spirit and determination which animates the insurgents, and which makes them court death in an unequal struggle for freedom, rather than submit to the oppressions of the Russian dominion.

In conclusion, my Lord, I may mention that the chief engineer of the Russian railways in the kingdom has been arrested in this town, and the police authorities believe him to have been the chief of the National Committee in Warsaw itself. No papers were, however, discovered on him, or in his possession, containing any proof of such having been the case, and it is stated that the arrest was made in consequence of information received from abroad.

I may also mention to your Lordship that the authorities pretend to have captured valuable papers in several parts of the kingdom, but whether there is any truth in these statements I am unable to state.

I have, &c.
(Signed) EDWD. STANTON.

No. 56.

Lord Bloomfield to Earl Russell.—(*Received March* 2.)

(Extract.) *Vienna, February* 26, 1863.

HAVING heard that the Duc de Grammont had communicated to Count Rechberg a project of a note to be presented at Berlin on the affairs of Poland and the policy which had been pursued by Prussia with respect to the present insurrection, I called on his Excellency this afternoon, when he gave me the following account of the French proposition.

Count Rechberg asked me first of all if I had no communication to make to him. I replied that your Lordship had not written to me respecting this project, and that the only thing I could tell him was that I received a telegram a few days ago, by which I learned that Her Majesty's Government considered that Austria had acted wisely in declining the Prussian overtures respecting Poland.

His Excellency then proceeded to say that the project of note transmitted from Paris was drawn up in very courteous terms, but that it was impossible for Austria to identify herself with it, notwithstanding her earnest wish to unite with England and France; that she had refused Prussia to join in the Military Convention concluded with Russia for the suppression of the insurrection in Poland, and had taken a line of her own, of complete independence, which he thought was the best calculated to protect her interests and advance those of the peace of Europe, and while she maintained all her international engagements, she reserved to herself the right of changing her position if it might hereafter become advisable to do so. That by acceding to the proposed identic note, it would be said of Austria that she adopted a policy of non-intervention, which it was her determination not to do. She would maintain, on the contrary, complete liberty of action, and would not bind herself to any general principle such as that implied in the proposed note. His Excellency said that if it was proposed to restore to Poland the engagements taken by the Powers in 1815, why should not all the other stipulations of that time be insisted on?

His Excellency has addressed a despatch to Prince Metternich, in which he develops the reasons of the Austrian Cabinet for declining the French proposal. It will be sent to-morrow to Paris, and the same messenger will be the bearer of a copy of it which Count Apponyi will communicate to your Lordship.

No. 57.

Sir A. Buchanan to Earl Russell.—(*Received March* 2.)

(Extract.) *Berlin, February* 27, 1863.

M. DE BISMARCK having promised last night to give me some information on the subject of the Russo-Prussian Convention if I would call upon him at an early hour this morning, I waited upon his Excellency.

His Excellency had also promised to ascertain from the Russian Minister whether he had any objection to the text of the Convention being communicated to me.

Our conversation began by my inquiring whether he was prepared to communicate the Convention to me, and by his replying that he could not do so without M. d'Oubril's consent, but that he would read its provisions to me after explaining the circumstances which had led to its being entered into.

He said, when the insurrection broke out, the Prussian Government had reason to believe that the Russian troops in Poland did not exceed 60,000 men, though represented to amount to 100,000; and it was, therefore, thought advisable to send an officer to Warsaw to ascertain how far the military authorities possessed the means of suppressing the insurrection, and to enter into such arrangements with them as might be expedient for preserving tranquillity in the Prussian frontier districts, where great alarm had existed before the arrival of the troops which had been since sent there for the protection of the inhabitants.

M. de Raneh, therefore, an officer known to the Grand Duke Constantine, had been sent to Warsaw for this purpose. It was deemed advisable to send another officer through St. Petersburgh to Warsaw, who, after concert with the Russian Government, could communicate more efficiently with the authorities at Warsaw. General Alvensleben had, therefore, been sent to St. Petersburgh, and on his arrival there the Russian Government had proposed that the two Governments should enter into the Convention which was subsequently signed by him and Prince Gortchakoff, but which, as no ratifications of it had yet been exchanged, could still only be regarded as a proposed Convention, and as such could not be communicated to a foreign Minister.

Having made these preliminary observations, M. de Bismarck read to me from a German text, which he translated into French, what he represented to be the contents of the Convention. He said it was of an informal character, was not divided into Articles, and was to the following effect:—That disturbances having broken out in the Kingdom of Poland which might endanger property and tranquillity in the frontier Provinces of Prussia, it was agreed between the two Governments that the troops of either should be authorized, on the requisition of the military authorities of the other, to cross the frontier, and, in case of necessity, should be permitted to pursue insurgents into the territory of the other; and it was further stipulated that either of the Contracting Parties should at any time be at liberty to terminate this Agreement.

Its other clauses, M. de Bismarck said, provided that officers should reside at the respective head-quarters of the two Governments, in order to carry on the correspondence which would be necessary between them.

The Convention, therefore, was not only incomplete from no ratifications having been exchanged, but as its existence also depended on the will of either of the Contracting Parties, it could not be considered a binding engagement.

No. 58.

Sir A. Buchanan to Earl Russell.—(*Received March* 2.)

My Lord, *Berlin, February* 27, 1863.

I HAVE the honour to inclose herewith to your Lordship, copy of a despatch which I have received from Her Majesty's Consul at Königsberg; relative to the arrest by Prussian authorities of two young men, sons of Polish emigrants born abroad, who were travelling through the country without passports.

I have, &c.

(Signed) ANDREW BUCHANAN.

Inclosure in No. 58.

Consul Hertslet to Sir A. Buchanan.

Your Excellency, *Königsberg, February* 26, 1863.

I HAVE the honour to state that I have abstained from reporting any movements of the Prussian military towards our Polish borders, because all such movements have appeared in the public papers as rapidly as I could possibly have reported them.

In all, I believe, about 12,000 men have marched to cover the borders from Neidenburg to Eydtkuhnen, and are gradually being replaced at the different garrison towns by troops from other places.

The first panical excitement as to the safety of the railroad from this place to St. Petersburgh has quite subsided, and the bankers have even gold sent to them by the St. Petersburgh railway as usual.

I have, however, now the honour to report that on the 21st instant two young gentlemen, sons of Polish emigrants, named Eugen von Jovanoki, born at Nice and educated at the Ecole Militaire at Cunec, apparently 21 to 22 years of age, and Jacob von Nowodworski, born at Paris, apparently about 20 years of age, were arrested by the police at this place for having no passports, and not being able to give any satisfactory account of themselves, on the suspicion of their being Polish emissaries; and the matter is, I hear, given over to the Solicitor-General ("Staats Anwalt") to bring them to trial on the charge of high treason. One of them is said to have been with Garibaldi during his last expedition.

Should the trial take place on the charge of high treason against the State of Prussia, with regard to Posen, it will doubtless last some time, and be difficult to condemn them from want of evidence; but should they be delivered up to Russia, it is probable that they will be at once shot.

The French Consular official here has likewise informed the Ambassador of the Emperor of the French at Berlin of the case.

Another Pole has been arrested, but on a charge of theft.

I have, &c.

(Signed) W. J. HERTSLET.

No. 59.

Sir A. Buchanan to Earl Russell.—(Received March 2.)

(Extract.) *Berlin, February* 28, 1863.

I HAVE the honour to transmit to your Lordship herewith a précis of the debates upon the Polish question drawn up by Mr. Morier.

On the important point relative to the arrest and extradition of the four Poles at Thorn, the explanations given by Count Eulenburg are highly unsatisfactory; and the extenuation attempted by drawing a distinction between their formal extradition and their expulsion from Prussian territory across the Russian frontier, *i. e.*, into the hands of Russian soldiers, caused great indignation in the House.

The division on the various Resolutions before the House took place this morning; and by a majority of 246 against 57, the House expressed an opinion equivalent to a strong censure of the Convention with Russia.

Inclosure in No. 59.

Précis of the Debates on the Polish Question in the Prussian Chamber, on the 26th and 27th February, 1863.

THE following is the Resolution proposed by the majority of the Committee, and which formed the subject of debate:—

"The House declares that the interest of Prussia requires that, in face of the revolt that has broken out in the Kingdom of Poland, the Government should not afford assistance or favour either to the Russian Government or to the insurgents, and, consequently, that it should allow neither of the contending parties to come upon Prussian soil without at the same time being disarmed."

As an amendment to the above, the following Resolution was proposed by M. Bonin in the name of the minority of the Committee:—

"The interest of Prussia requires that, in face of the insurrection that has broken out in the Kingdom of Poland, the Government should confine itself to such measures only as are required for the defence of the frontier, and should avoid any interference beyond that point; and, consequently, that it should not allow of any armed persons coming upon Prussian soil, without at the same time disarming them."

As sub-amendment to the above, Baron Vincke proposed the following:—

"That the interests of Prussia, in the face of the insurrection which has broken out in the Kingdom of Poland, requires that the Government should not allow Russian troops to come upon Prussian soil in pursuit of Polish insurgents."

M. de Sybel in moving the Resolution, referred briefly to the circumstances under which Prussia had become possessed of portions of Poland. Her present title was a valid one, *de jure* and *de facto*. She had made it good by the improvement and civilization of the country, through German industry and German capital. What, therefore, he added, we desire for our Polish fellow-citizens, is a humane and just Government; but, at the same time, we desire that the German inhabitants of what was formerly Poland should know that, for their protection, and for their maintenance as belonging to the Prussian State, the entire Prussian people is ready to stand good. With consciences so clear, with a position so well-defined, and differing so essentially from that occupied by Russia, it is evidently our business to protest against a policy which, without any natural necessity, runs counter to our most important interest, namely, that of preserving peace for our Prussian territory.

The speaker then went on to show how, without any necessity, the Government had delivered over a large portion of the fatherland to all the horrors of a barbarous war; had undertaken a joint responsibility for Russian misdeeds, and changed the Polish into an European question. Further, how this policy had been followed up without any prospect of compensation, and at the expense of hundreds of thousands, without the consent of the Chamber. In doing so, the Government had once more given proofs of that which was the essence of its being, viz., contempt for rights; and had shown that it could neither live nor die without breaking the laws of the country.

M. de Gottberg defended the Government. *MM. von Rönne* and *Roessell* attacked it.

Count Eulenburg, in the absence of M. de Bismarck, defended the Government, and said, in reply to one of the former speakers, that it was no unusual thing for the Government to show confidentially to a foreign Government a Convention which they had not laid before the House. With reference to the Poles who were arrested at Thorn, he would give the following explanations:—They had not been delivered up ("ausgeliefert") in the sense of the Extradition Treaties; but having been arrested at the station at Thorn on their way from the West, and having been found possessed of no other legitimations than old Russian passports no longer available, they had been expelled ("ausgewiesen") across the Russian frontier, according to existing cartel provisions. (Great sensation and murmurs.) Well, gentlemen, continued Count Eulenburg, I can only refer you to Article XXIII of the Cartel Convention, according to which you will see that every individual belonging to the Russian Empire not provided with proper papers can be expelled by us, and must be received by Russia. In virtue of the above paragraph, the four individuals in question have now been expelled.

Dr. Becker argued in a long speech that an independent Polish Kingdom would be a better neighbour for Germany than Russia, though he would not give up to such a kingdom the ports of Dantzic and Elbing, or a single acre that had been fairly reclaimed by Prussian industry. He spoke strongly and indignantly against the former partitions of Poland.

Count Eulenburg, with reference to the supposed entrance of Russian troops into Poland, read a telegram from the Landrath of Strasburg in West Prussia, to the effect that some outposts had been pushed on in the night of the 18th of July upon the bridge of Drewinz, which belongs to Gollub (a Prussian town), and joins that place with Dobrzyn, a Russian town, because both towns were threatened with a band of insurgents which expected reinforcements from Gollub. The town of Dobrzyn had never been occupied by Russian troops; the pushing forward of outposts had been rendered necessary by local circumstances which strongly favoured an attack of the town, denuded as it was of Russian military.

Minister President von Bismarck recapitulates the course taken by the various debates held in the House respecting the Polish question, from the first interpellation of MM. Hautall, Kautak and Co. to the present Resolution, in order to prove a revolutionary tendency to sympathize with the Polish insurrection. The interests of the country had thereby been sacrificed to party interests, and German speakers had expressed themselves in an unheard-of manner. M. Waldeck had compared the calling in of Prussian reserves

to the sale of Hessian troops to the British Government. M. de Unruh, amidst the applause of the House, had declared that if from the present acts of the Government foreign complications arose, the Chamber would refuse to the King the means necessary for the defence of the country. Now, was not this equivalent to saying to foreign countries, Now is your opportunity; come on! for Prussia is defenceless. (Oh! Oh! and strong marks of dissent.) I am glad to see, gentlemen, that you are still capable of indignation on such a subject. (Great sensation, and loud cries of "Order.")

Vice-President Behrend.—I must request the House to be quiet. The Minister President has the right to express his pleasure at what the House may think or do. A call for order is here out of place.

M. de Bismarck.—I will not here touch upon the question of whether the Ministers can be called to order, but if the question is again mooted I shall reserve to myself to speak upon it. Gentlemen, the threat to make Prussia blameless was expressed by that same M. de Unruh whose name is associated with the refusal to pay taxes in 1848. (A violent scene here ensued; cries of order from all sides of the House; members rising from their seats and groaning.)

The President having rung his bell and restored partial order, said: I must here observe to the Minister President that the last statement made by him stands in no sort of relation to the subject under discussion.

M. de Bismarck.—I cannot admit the right of the President to call me to order. I have not the honour to belong to this Assembly. I have had nothing to do with making the rules of this House; I have not assisted in electing the President. The disciplinary power of the President is limited by these boards (striking the front of the Ministerial tribune). My superior is alone His Majesty the King; I do not speak in virtue of the rules of your House, but in virtue of the authority given to me by His Majesty. You have not got the right to interrupt me.

Vice-President Behrend.—I had not disputed the Minister President's right to speak, nor, according to the Constitution, can I dispute this right. But according to the rules of the House, the disciplinary power of the President is limited only by the four walls of the House, and this power I shall most undoubtedly use. (Loud cheers.)

M. de Bismarck.—This is a view which, on the part of the Ministry, I must repudiate. To resume then, M. de Unruh, whose name is associated with the refusal to pay taxes in 1848—— (renewed disturbance and cries of "Adjourn").

Vice-President Behrend.—If the Minister President repeats observations which I have declared not to belong to the subject, I shall most certainly use my right to adjourn the House.

M. de Bismarck.—I cannot prevent the President adjourning the House, and as I have twice repeated what I meant to say I am satisfied. (Renewed disorder; the President rings his bell.) This threat to lay Prussia defenceless is an unfortunate one, all the more so that with this tendency the names connected with 1848 again become prominent. You are asked by your Resolution to express your sympathy with the insurrection under Mierolawski. I have nothing to do with the intentions of the persons who have brought forward this Resolution, but the practical result of it will undoubtedly be to identify the House with the Polish insurrection. The Report of the Committee is based upon a set of proofs in reference to the contents of the Convention derived from lies and misstatements taken from the newspapers, and the reporter has conjured up from these an imaginary belt of 500 square miles of Prussian territory given up to Russian occupation. This is a mere foolish phantasy. (Oh! oh!) On the contrary, the Convention secures Prussia against a danger of this sort. By it, Russian military are not allowed to cross the Prussian frontier without our sanction. From the exaggerations, the lies, the misrepresentations of the Press, has arisen the bad impression made by the Convention abroad, and these misrepresentations form the material of the present debate. But this debate I can tell you will have no practical result, not even that of causing an embarrassment to the Ministry unless it be the inconvenience of a waste of their time. If the object of the Resolution therefore has been to shake the position of the Government it will fail in its object, and all that will be obtained will be to prove before the whole country that you take part with the Polish insurrection.

M. de Säuger, for the Bonin amendment.

M. de Bismarck, in reply to an observation of this speaker, again repeated that "each act of transgression of the Russian or Prussian frontier required the express sanction of the other party in each individual case."

A motion for the adjournment was then moved and carried.

Sitting of Friday the 27th.

A further amendment was moved by M. Bockum-Dolffs, supported by the party of Progress and the Left Centre. It only involved a slight alteration of the Resolution before the House. It was as follows:—

"That the interest of Prussia requires that the Government, in face of the insurrection that has broken out in Poland, should not assist or favour either of the contending parties, or allow armed persons to touch the Prussian soil without at the same time disarming them."

Baron Vincke, in a brilliant speech, attacked, as is his wont, both the Government and the House. After dissecting the speeches made in favour of the Resolution, he attacked the Government, and in an eloquent outburst showed how impossible it would be for a country like Prussia to pass safely through a great external crisis unless the policy of its Government had the enthusiastic approval of the whole country. He spoke in a very unfriendly manner of the Poles, and of their dangerous character as a revolutionary element in Europe, and approved of strong measures being taken by the Prussian Government against the present insurrection. He did not approve, however, of the opening up of the Prussian frontier to Russian troops, and had accordingly, in his amendment, confined himself to this one point. As the sum total of his views, he would conclude by saying that the right policy for the Government was to favour Russia to the utmost in putting down the insurrection, short of the entrance of Russian troops into Prussia or of Prussian troops into Russia.

The debate was then continued to a very great length; the two most remarkable speeches being those of MM. de Bonin and Schulze-Delitsch. The former spoke in favour of his amendment, and having been the President of the Province of Posen under the Liberal Ministry, he was able from personal knowledge to show the unwiseness of the Convention in regard to the practical interests of that province.

The debate was adjourned at a late hour, and resumed this morning. The results of the divisions were as follows:—

For the Bonin amendment, 72; against it, 229. For the Bockum-Dolffs amendment, 246; against it, 57.

No. 60.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, March* 2, 1863.

HER Majesty's Government view with the deepest concern the state of things now existing in the Kingdom of Poland. They see there, on the one side, a large mass of the population in open insurrection against the Government; and, on the other, a vast military force employed in putting that insurrection down. The natural and probable result of such a contest must be expected to be the success of the military forces. But that success, if it is to be achieved by a series of bloody conflicts, must be attended by a lamentable effusion of blood, by a deplorable sacrifice of life, by wide-spread desolation, and by impoverishment and ruin, which it would take a long course of years to repair.

Moreover, the acts of violence and destruction on both sides, which are sure to accompany such a struggle, must engender mutual hatreds and resentments, which will embitter, for generations to come, the relations between the Russian Government and the Polish race.

Yet, however much Her Majesty's Government might lament the existence of such a miserable state of things in a foreign country, they would not, perhaps, deem it expedient to give formal expression to their sentiments, were it not that there are peculiarities in the present state of things in Poland which take them out of the usual and ordinary condition of such affairs.

The Kingdom of Poland was constituted, and placed in connection with the Russian Empire by the Treaty of 1815, to which Great Britain was a Contracting Party. The present disastrous state of things is to be traced to the fact that Poland is not in the condition in which the stipulations of that Treaty require that it should be placed.

Neither is Poland in the condition in which it was placed by the Emperor Alexander I, by whom that Treaty was made.

During his reign a National Diet sat at Warsaw, and the Poles of the Kingdom of Poland enjoyed privileges fitted to secure their political welfare.

Since 1832, however, a state of uneasiness and discontent has been succeeded from time to time by violent commotion and a useless effusion of blood.

Her Majesty's Government are aware that the immediate cause of the present insurrection was the conscription lately enforced upon the Polish population; but that measure itself is understood to have been levelled at the deeply-rooted discontent prevailing among the Poles in consequence of the political condition of the Kingdom of Poland.

The proprietors of land and the middle classes in the towns bore that condition with impatience; and if the peasantry were not equally disaffected they gave little support or strength to the Russian Government.

Great Britain, therefore, as a Party to the Treaty of 1815, and as a Power deeply interested in the tranquillity of Europe, deems itself entitled to express its opinion upon the events now taking place, and is anxious to do so in the most friendly spirit towards Russia, and with a sincere desire to promote the interest of all the parties concerned. Why should not His Imperial Majesty, whose benevolence is generally and cheerfully acknowledged, put an end at once to this bloody conflict by proclaiming mercifully an immediate and unconditional amnesty to his revolted Polish subjects, and at the same time announce his intention to replace without delay his Kingdom of Poland in possession of the political and civil privileges which were granted to it by the Emperor Alexander I, in execution of the stipulations of the Treaty of 1815?

If this were done, a National Diet and a National Administration would, in all probability, content the Poles, and satisfy European opinion.

You will read this despatch to Prince Gortchakoff, and give him a copy of it.

I am, &c.

(Signed) RUSSELL.

No. 61.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, March* 2, 1863.

THE Convention which has been concluded between Russia and Prussia, relating to the affairs of Poland, has caused considerable uneasiness in this country.

The Powers of Europe were disposed to be neutral in the contest between the Russian Government and the Polish insurgents.

Prussia has departed from this course.

My inquiries, as well as a despatch from Lord Napier, have led me to believe that the Convention contains,—

1. An agreement that Russian troops, upon crossing the frontier of Prussia, shall not be disarmed, as would be required according to international usage, but shall be allowed to retain their arms, and to remain, and to act as an armed body in Prussian territory.

2. A permission for Russian troops to pursue and capture Polish insurgents on Prussian territory.

Count Bernstorff defended this Convention, and declared that it was not an engagement invoking intervention in the contest between Russia and the Poles.

But it is clear that if Russian troops are to be at liberty to follow and attack the Polish insurgents in Prussian territory, the Prussian Government makes itself a party to the war now raging in Poland.

If Great Britain were to allow a Federal ship-of-war to attack a Confederate ship in British waters, Great Britain would become a party to the war between the Federal Government of the United States and the Confederate.

It is obvious that by this Convention Prussia engages to become a party in the war against the Poles without any apparent necessity for so doing. For Her Majesty's Government have not heard that any disaffection prevails in the Polish provinces of Prussia.

It is but too probable that this Convention will irritate the Polish subjects of Prussia, tend to excite disaffection where it has not hitherto existed, and thus extend the insurrection.

Upon viewing this Convention in all its aspects, therefore, Her Majesty's Government are forced to arrive at the conclusion that it is an act of intervention which is not justified by necessity; which will tend to alienate the affections of the Polish subjects of the King of Prussia; and which, indirectly, gives support and countenance to the arbitrary conscription of Warsaw.

You will read this despatch to M. Bismarck, and you will ask for a copy of the Convention between Prussia and Russia.

It is possible that the Governments of Prussia and Russia, aware of the objections to which this Convention is liable, and seeing the ill consequences it may produce, may be disposed to cancel it, or to put an end to its operation.

In that case you will inform me what steps have been taken with that view.

I am, &c.

(Signed) RUSSELL.

No. 62.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, March 2,* 1863.

I HAVE extracted the following Articles from the Cartel Convention between Prussia and Russia signed at Berlin on the 8th of August, 1857, and ratified on the 4th of September following :—

" The present Convention, which shall be put into execution four weeks after the exchange of ratifications, shall apply :—

" (*a.*) To all individuals who shall desert the active service of their respective armies, &c.

" (*b.*) To all individuals who according to the laws of the State which they have left, either with or without the intention of returning thither, shall be subject, even at a future time, to military service."

I wish you to inform me whether this Cartel Convention is still in force, and whether it is acted upon by the two Governments.

I am, &c.

(Signed) RUSSELL.

No. 63.

Baron Gros to Earl Russell.—(Received March 2.)

Londres, le 2 Mars, 1863.

LE Baron Gros a l'honneur de présenter ses compliments empressés à Lord Russell, et il lui envoie, ci-jointe, copie des deux documents relatifs aux affaires de Pologne dont il lui a donné connaissance le 24 du mois dernier.

(Translation.)

London, March 2, 1863.

BARON GROS presents his compliments to Lord Russell, and has the honour to inclose to him herewith copies of two documents relative to the affairs of Poland, respecting which he communicated with Earl Russell on the 24th ultimo.

Inclosure 1 in No. 63.

M. Drouyn de Lhuys to Baron Gros.

M. le Baron, *Paris, 21 Février,* 1863.

LA dépêche que j'ai eu l'honneur de vous écrire vous a fait connaître les observations que la Convention conclue entre la Prusse et la Russie a suggéré au Gouvernement de l'Empereur. Les troubles suscités par le recrutement opéré en Pologne en dehors des conditions ordinaires devaient nécessairement attirer notre attention.

Les douloureux incidents de la résistance des populations à une mesure d'administration intérieure ne pourraient toutefois être envisagés que d'un point de vue d'humanité. Mais l'arrangement signé à Pétersbourg est venu inopinément donner à cette crise un caractère politique sur lequel il appartient, sans nul doute, aux Cabinets de porter un jugement.

J'ai indiqué à M. le Baron de Talleyrand l'ordre d'idées dans lequel il doit se placer avec le Cabinet de Berlin. D'un autre côté, la vivacité du sentiment public en Angleterre, les déclarations anciennes du Gouvernement de Sa Majesté Britannique et les principes de sa politique, m'autorisent à penser que le langage tracé à Sir Andrew Buchanan sera en parfait accord avec celui que tiendra le Ministre de l'Empereur. Mais je me

demande si l'expression orale de notre manière de voir est en rapport avec la gravité de l'acte que nous avons à apprécier, et s'il ne serait pas nécessaire de donner à la manifestation de notre opinion une forme moins fugitive et plus déterminée. Ne pourrions-nous pas, par exemple, combiner les termes d'une communication identique destinée à être remise simultanément au Cabinet de Berlin et qui serait ensuite portée à la connaissance de celui de St. Pétersbourg ?

Il me semble, d'ailleurs, M. le Baron, qu'une démarche de cette nature pourrait obtenir également le concours du Gouvernement Autrichien. Le Cabinet de Londres est renseigné comme nous sur l'attitude adoptée par l'Autriche. Il sait qu'elle a suivi une ligne de conduite différente de celle de la Prusse. Il y a lieu de présumer que le Cabinet de Vienne n'envisage pas autrement que nous une Convention dont la seule nouvelle a notablement accru l'agitation en Pologne et dont la mise en vigueur ne peut que l'augmenter. Il aurait, à tous égards, intérêt à en décliner plus complètement encore la solidarité en s'associant à nos appréciations. Il donnerait ainsi à l'opinion publique une satisfaction qui ne pourrait que contribuer au maintien de la tranquillité en Gallicie.

Si, comme je l'espère, M. le Baron, Lord Russell approuvait cette idée, il ne nous resterait plus qu'à nous entendre sur la teneur de la communication que nous aurions à adresser au Cabinet de Berlin. Afin de vous fixer sur l'esprit dans lequel elle pourrait, selon nous, être conçue, je vous envoie ci-joint copie d'un projet de note auquel, au surplus, nous serions prêts à faire subir toutes les modifications qui seraient jugées convenables.

Je vous invite à donner lecture de cette dépêche à Lord Russell. Vous voudrez bien lui dire que j'écris dans le même sens à Vienne, et je vous serai obligé de me faire connaître le plus tôt possible les intentions du Gouvernement de Sa Majesté Britannique.

Agréez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

M. le Baron, *Paris, February* 21, 1863.

THE despatch which I had the honour to write to you numbered 21 has made known to you the observations which the Convention concluded between Prussia and Russia has suggested to the Emperor's Government. The troubles excited by the recruitment carried on in Poland, besides the ordinary condition of affairs, must necessarily attract ou attention. The painful incidents of the resistance of the populations against a measure of internal administration could as yet, however, be regarded only from the point of view of humanity. But the arrangement signed at St. Petersburgh unexpectedly arrived to give to this crisis a political character upon which it, without any doubt, is the right of the Cabinets to pass a judgment.

I have pointed out to M. de Talleyrand the line of ideas which he is to take with the Cabinet of Berlin. On another side, the vivacity of public opinion in England, the ancient declarations of Her Britannic Majesty's Government, and the principles of its policy, authorize me to believe that the language sketched out for Sir A. Buchanan will be perfectly consonant with that which the Minister of the Emperor will hold. But I ask myself whether the oral expression of our opinion is equal to the gravity of the act which we have to weigh, and whether it would not be necessary to give to the manifestation of our opinion a less fugitive and more determined form. Could we not, for example, concert the terms of an identic communication destined to be sent simultaneously to the Cabinet of Berlin, and which might afterwards be brought to the knowledge of that of St. Petersburgh?

Besides, it seems to me, M. le Baron, that a step of this nature might equally obtain the concurrence of the Austrian Government. The Cabinet of London is informed as we are upon the subject of the attitude adopted by Austria. It knows that she has followed a line of conduct different from that of Prussia. There is reason to presume that the Cabinet of Vienna does not look in a different light from us upon a Convention of which the news alone notably increased the agitation in Poland, and of which the carrying into effect can only augment it. It would on every account be interested in still more completely declining the solidarity by associating itself with our opinions. It would thus give to public opinion a satisfaction which could only contribute to the maintenance of tranquillity in Galicia.

If, as I hope, M. le Baron, Lord Russell should approve this idea, nothing would remain but for us to agree upon the tenor of the communication which we should have to address to the Cabinet of Berlin. In order to inform you of the spirit in which it might, according to us, be conceived, I send you herewith a copy of a project of a note which, for the rest, we should be ready to subject to all the modifications which might be judged convenient.

I request you to read this despatch to Lord Russell. You will have the goodness to tell him that I am writing in the same sense to Vienna, and I shall be obliged to you to let me know as soon as possible the intentions of the Government of Her Britannic Majesty.

Accept, &c.
(Signed) DROUYN DE LHUYS.

Inclosure 2 in No. 63.

Draft of Note to the Prussian Government.

LE Soussigné, Ambassadeur de Sa Majesté l'Empereur des Français, a reçu l'ordre d'entrer avec le Gouvernement de Sa Majesté le Roi de Prusse dans de franches explications au sujet de l'arrangement conclu entre les Cabinets de Berlin et de St. Pétersbourg à l'occasion des troubles survenus dans le Royaume de Pologne, et, à cet effet, il a été chargé d'adresser à son Excellence M. de Bismarck-Schönhausen la communication suivante.

Les mesures adoptées par le Gouvernement Russe pour opérer le recrutement en Pologne ayant amené une résistance qui a donné lieu à des conflits sur plusieurs points, la Cour de France observait avec un douloureux intérêt des évènements si regrettables. Il était d'autant plus à désirer qu'aucun incident ne vînt aggraver cette lutte que le pays, livré à un état de malaise évident, renfermait déjà de nombreux éléments d'agitation et de désordre. Il importait, dans de telles circonstances, d'éviter toute manifestation de nature à exciter les esprits dans les autres provinces et à changer le caractère jusqu'alors purement local de l'insurrection.

Le Gouvernement de Sa Majesté l'Empereur des Français n'a donc pas appris sans inquiétude que le Cabinet de Berlin avait signé avec celui de St. Pétersbourg une Convention par laquelle la Cour de Prusse consent à laisser pénétrer sur son territoire les troupes Russes qui jugeraient à propos de suivre les bandes armées reduites à y chercher un refuge, et s'engage elle-même à repousser sur le territoire Russe, jusqu'à la rencontre d'une force nationale suffisante, les insurgés qui se trouveraient devant les troupes Prussiennes En effet, la lutte, concentrée encore dans le Royaume de Pologne, peut être ainsi portée d'un instant à l'autre dans les provinces Polonaises de la Prusse ouverts aux soldats Russes, etla Prusse peut, de son côté, se voir entrainée à prendre part aux opérations militaires en cours d'exécution de l'autre côté de sa frontière.

Un semblable accord n'a pas seulement pour conséquence d'étendre le théâtre des hostilités ; il crée une situation nouvelle et transforme un incident des affaires de Pologne en une question Européenne. Le Gouvernement Impérial est loin de méconnaître que la Cour de Prusse, en raison du voisinage, avait des devoirs internationaux à remplir envers la Russie en présence des évènements actuels. Il n'aurait pas eu le droit de s'étonner des mesures de précaution et de surveillance qu'elle aurait cru devoir prendre pour assurer l'inviolabilité de la frontière commune et mettre obstacle à toute contrebande de guerre. Mais une opération, même limitée, que ne justifiait d'ailleurs aucun symptôme menaçant dans les provinces Polonaises de la Monarchie Prussienne, dépasse les obligations tracées au Cabinet de Berlin par le droit public : elle semble procéder de la pensée préconçue d'une solidarité politique que les Traités Européens n'ont pas établie en réglant le sort de la Pologne et dont les intérêts généraux pourraient avoir à souffrir.

Aussi l'opinion publique s'en est elle vivement émue, et l'inquiétude qu'elle en a ressentie n'aura point échappé au Gouvernement de Sa Majesté le Roi de Prusse.

Le Gouvernement de Sa Majesté l'Empereur des Français considère, de son côté, comme un devoir envers lui-même et envers l'Europe de signaler à la Cour de Berlin les préoccupations causées par les arrangements qu'elle a conclus avec le Cabinet de St. Pétersbourg, et il aime à croire que ces observations, inspirées par le désir sincère d'écarter tout sujet de malentendu, seront accueillies avec le même sentiment de confiance bienveillante qui les a dictées.

Le Soussigné, &c.

(Translation.)

THE Undersigned, Ambassador of His Majesty the Emperor of the French, has received orders to enter into frank explanations with the Government of His Majesty the King of Prussia upon the subject of the arrangement concluded between the Cabinets of Berlin and of St. Petersburgh, upon the occasion of the troubles which have occurred in the Kingdom of Poland, and with this object he has been charged to address to his Excellency M. de Bismarck-Schönhausen the following communication :—

The measures adopted by the Russian Government for carrying on the recruitment in Poland having brought on a resistance which has given rise to conflicts in several places,

the Court of France observed with a painful interest such lamentable events. It was the more to be desired that no incident should occur to aggravate this contest, because the country, given up to an evident state of disturbance, already contained numerous elements of agitation and of disorder. It was important to avoid all manifestation of a nature to excite the public mind in the other Polish Provinces, and to change the character of the insurrection, which up to that time was purely local.

The Government of His Majesty the Emperor of the French has not, therefore, learnt without uneasiness that the Cabinet of Berlin had signed, with that of St. Petersburgh, a Convention by which the Court of Prussia consents to allow to penetrate into her territory the Russian troops who might think fit to follow the armed bands reduced to seek a refuge there, and herself engages to drive back into Russian territory, until they meet with a sufficient national force, the insurgents who might find themselves in front of the troops of Prussia. In fact, the struggle still concentrated in the Kingdom of Poland may thus be carried at any moment into the Polish Provinces of Prussia, which are open to the Russian soldiers, and Prussia may on her side see herself dragged into taking a part in the military operations in course of execution on the other side of her frontier.

Such an agreement has not only for its consequence the extension of the theatre of hostilities; it creates a new situation, and transforms an incident in the affairs of Poland into an European question. The Imperial Government is far from ignoring that the Court of Prussia, by reason of neighbourhood, had international duties to fulfil in presence of the events actually taking place. It would not have had the right to be astonished at the measures of precaution and of watchfulness that she might have thought herself bound to take in order to insure the inviolability of the common frontier, and to put an obstacle in the way of all contraband of war. But a co-operation, even limited, which moreover no threatening symptom in the Polish Provinces of the Prussian monarchy justified, passes the limit of the obligations laid down for the Cabinet of Berlin by public right. It seems to proceed from the preconceived idea of a political solidarity, which European Treaties have not established in regulating the fate of Poland, and from which general interests might have to suffer.

Also, public opinion was actively moved by it, and the uneasiness which it has felt from it will not have escaped the notice of the Government of His Majesty the King of Prussia.

The Government of His Majesty the Emperor consider it, on their side, as a duty towards themselves and towards Europe, to point out to the Court of Berlin the preoccupations caused by the arrangements which it has concluded with the Cabinet of St. Petersburgh, and they are glad to believe that these observations, inspired by the sincere desire to set aside every subject of misunderstanding, will be received with the same sentiment of kindly confidence which has dictated them.

The Undersigned, &c.

No. 64.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, March* 2, 1863.

HER Majesty's Government have received from Baron Gros a project of note to be addressed by the French Ambassador at Berlin to the Prussian Government, with reference to the Convention in regard to Poland lately entered into between Prussia and Russia.

I had already prepared a despatch to Her Majesty's Ambassador at Berlin, which embodies the same views of the Convention between Russia and Prussia as those contained in M. Drouyn de Lhuys' note; and I have now to instruct your Excellency to communicate to M. Drouyn de Lhuys a copy of that despatch,* which was transmitted to you in my despatch of the 28th ultimo.

Her Majesty's Government are happy to find that so great a conformity prevails between the views of the Governments of England and of France on the subject.

I also inclose a copy of a despatch which I have addressed to Her Majesty's Ambassador at St. Petersburgh, which your Excellency will likewise communicate to M. Drouyn de Lhuys.†

Her Majesty's Government would be glad to find that the Imperial Government had written in a similar sense to the French Ambassador at St. Petersburgh.

I am, &c.

(Signed) RUSSELL.

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* See No. 61. † No. 60.

No. 65.

Earl Cowley to Earl Russell.—(Received March 4.)

(Extract.) *Paris, March 3, 1863.*

M. DROUYN DE LHUYS, although very unwell, was good enough to see me this afternoon, and I communicated to his Excellency your Lordship's despatch of yesterday's date, together with the instructions which your Lordship has addressed to Her Majesty's Ambassador at Berlin and St. Petersburgh with reference to the act lately signed at St. Petersburgh, and to the general state of the Polish question.

On inquiring whether his Excellency would send a despatch to St. Petersburgh in a sense similar to that adopted by your Lordship, he replied that he had already written to the Duc de Montebello his opinion of the Convention, and of the state of affairs in Poland, but he had made no reference to the Treaties of 1815.

No. 66.

Earl Cowley to Earl Russell.—(Received March 4.)

My Lord, *Paris, March 3, 1863.*

M. DROUYN DE LHUYS expresses himself to be satisfied with the reply* of the Austrian Government to the proposal that Austria should join England and France in addressing a note to the Cabinet of Berlin on the subject of the Russo-Prussian Convention. He seemed to admit the impossibility of the Austrian Government now blaming an act in which they had been asked to participate, but which they had not blamed when they declined to take part in it.

I have, &c.
(Signed) COWLEY.

No. 67.

Earl Russell to Lord Bloomfield.†

Sir, *Foreign Office, March 4, 1863.*

HER Majesty's Government being deeply affected by the deplorable acts of violence of which Poland is now the scene, and having reflected on the causes of these calamities, have addressed the accompanying despatch to Her Majesty's Ambassador at St. Petersburgh.‡

You are instructed to read this despatch and its inclosure to the Minister of Foreign Affairs at Vienna.

You will state at the same time that, in the opinion of Her Majesty's Government, a communication of similar views by the Representatives at St. Petersburgh of the Powers who were parties to the Treaty of June 1815, would tend to the cessation of bloodshed, and to the enjoyment by the people of Poland of those rights which were promised to them at Vienna, and which have been so long withheld from them.

The peace of Europe would, in the opinion of Her Majesty's Government, be best assured by restoring to the Poles the privileges of a National Diet and a National Administration; and Her Majesty's Government, therefore, hope that the Austrian Government will concur in making to the Government of Russia a representation which has for its objects the interests of humanity and security of the peace of Europe, and which cannot give any just offence to the Russian Government.

I am, &c.
(Signed) RUSSELL.

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* See No. 104.

† Similar despatches were addressed to Sir A. Buchanan, Sir J. Hudson, Sir J. Crampton, Sir A. Magenis, Mr. Jerningham, and Mr. Lytton.

‡ No. 60.

No. 68.

Earl Russell to Earl Cowley.

(Extract.) *Foreign Office, March 5, 1863.*

ALTHOUGH Baron Gros stated to me on the 24th ultimo the substance of the despatch which I now send you,* he did not give me a copy of it till the 2nd instant.

But there remain some facts and some remarks relating to the conduct of Austria which I have not yet communicated.

Before Her Majesty's Government had had any time to consider the French proposal of the 21st of February, and indeed almost at the same time that it arrived in this country, I received an intimation from Count Apponyi that his Government desired that no proposition of concert on Polish affairs should be made to them by France and Great Britain.

Her Majesty's Government, therefore, came to the consideration of the subject, impressed with the conviction that Austria would not join in the proposed identic note. Her Majesty's Government thought also that, seeing her reluctance, it would be very unwise to urge her to a course she was unwilling to adopt.

Our impressions on this subject have been confirmed by a despatch from Count Rechberg to Prince Metternich, which Count Apponyi read to me yesterday.

It is an answer to the French proposal. Mingled with some scruples against the principle of non-intervention, which belong to the traditional policy of Austria, are considerations which flow naturally from the position of Austria. The Cabinet of Vienna does not like to give even an appearance of encouragement to Polish insurrection, lest the lesson should cross the frontier, and the example be repeated in Galicia. The freedom of France and England from apprehensions of this kind is dwelt upon with marked distinctness.

The inference to be drawn from this despatch is rather that Austria does not see her way clearly in the path pointed out to her by the French Government, than that she is altogether averse to the policy of which an outline is presented to her.

Possibly, and indeed probably, the line to be adopted by the Emperor of Austria will draw gradually nearer to that of England and France.

With respect to the Prusso-Russian Convention, its importance appears to be gradually diminishing. Count Bismarck, in reading it to Sir Andrew Buchanan, pointed out that no Russian troops could pursue insurgents across the Prussian frontier without the special permission or invitation of a Prussian officer. It is, of course, in the power of the Prussian Government to instruct its officers not to give that permission or invitation.

Prince Gortchakoff, on his side, declares to Lord Napier that the chief motive for agreeing to the Convention was that insurgents often cross the frontier to seize a Custom-house and carry off the money found in its chest. In such cases it may be convenient to call upon an armed body from the other side to retake the Custom-house and recapture the treasure.

While the two Contracting Powers are thus endeavouring to diminish the gravity and scope of the Convention, the events of the insurrection seem to be carrying the war away from the Prussian and nearer to the Austrian frontier.

It appears, therefore, to Her Majesty's Government, that as the Convention is falling quietly into insignificance, and in fact sinking to nothing, it is fortunate that the Governments of France and England have not roused in the Prussian Government a spirit of offended dignity, and thus created obstacles to their own success by presenting formally an identic note requiring a formal reply.

Her Majesty's Government are of opinion that the next step to be taken is to invite all the chief Powers who signed the Treaty of Vienna to concur in advising Russia to recur to the stipulations, and to revert to the policy, of the Treaty of Vienna in regard to Poland.

A copy of a communication intended for this purpose is inclosed in the present despatch.†

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* No. 63. † No. 67.

No. 69.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, March* 6, 1863.

I HAVE received and laid before the Queen your Excellency's despatch of the 27th ultimo, reporting the language of M. de Bismarck with regard to the Convention on Polish affairs between Prussia and Russia.

Her Majesty's Government wish to know whether they are to conclude that the Convention will not be ratified.

Why should not the Prussian Government drop an agreement for which no necessity appears to exist, and which will be considered throughout Europe as a mark of subserviency to Russia?

I am, &c.
(Signed) RUSSELL.

No. 70.

Sir A. Buchanan to Earl Russell.—(Received March 6.)

My Lord, *Berlin, March* 3, 1863.

M. DE BISMARCK informed me this evening that 600 well-armed Poles, of whom 100 were Lancers, having been organized near Radlevo, in the Grand Duchy of Posen, by a Count Poninsky, crossed the frontier into Poland on the 1st instant, but were driven back into the Grand Duchy, where they were met yesterday by Prussian troops, and having refused to lay down their arms, were captured and disarmed after a short resistance, during which, according to a telegraphic despatch, a Prussian officer was wounded and some of the insurgents were killed.

The Russian troops did not cross the frontier.

The insurgent band is said to have consisted almost entirely of the dependents and servants of Prussian landed proprietors.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 71.

Sir A. Buchanan to Earl Russell.—(Received March 6.)

My Lord, *Berlin, March* 4, 1863.

WITH reference to my despatch of the 26th ultimo, inclosing the translation of a memorial from the merchants of Stettin to the Prussian Government as to the effects which the events in Poland may have upon their interests, I have the honour to transmit herewith to your Lordship the translation of an answer to them from M. de Bismarck, which was published in last night's "Gazette."

I have, &c.
(Signed) ANDREW BUCHANAN.

Inclosure in No. 71.

M. de Bismarck's Answer to the Representatives of the Stettin Merchants.

(Translation.) *Berlin, March* 1, 1863.

THE representations addressed by the heads of the Stettin mercantile body to the Minister for Commerce and Industry, with the object of calling the attention of the Government to the extensive commercial interests which are exposed to danger by the insurrection in the Kingdom of Poland, have been by the Minister aforesaid handed over to me. The same thing has been done by the representations of the elders of the Mercantile Corporation of Dantzig and of the Chamber of Commerce of Posen, in which latter special attention is called to the injury that has accrued or might accrue to those interests in consequence of the agreement with the Russian Government. These representations afford me the opportunity, of which I gladly avail myself, to give to the

gentlemen who have drawn them up, the direct assurrance that the importance and extent of the interests which they plead for are well known to the Government; that I have had the opportunity, as Representative of His Majesty at the Court of St. Petersburgh, thoroughly to appreciate them; and that during the critical events of the last two years in the Kingdom of Poland, the safeguarding of those interests both at St. Petersburgh and Warsaw has been an object of solicitous attention on the part of the King's Government. It is superfluous to state that in the recent negotiations with Russia, as well as in the other measures taken for the protection of our frontiers and for the security of neighbourly relations, the interests of the Prussian mercantile body, as well as of the Prussian subjects generally, have been specially kept in view. The more threatening the aspect of affairs in Poland became in consequenee of the insurrectionary movements, the more the King's Government felt bound to hold fast by the view that the quickest possible restoration of a state of legal order in the Kingdom of Poland was the only road that could lead to the security of the persons and property of His Majesty's subjects on Prussian territory.

If the importance of our late arrangements with the Imperial Government of Russia has been distorted, their tendency exaggerated, and their objects placed in a false light, and if the excitement on both sides of the frontier has thereby been unnecessarily increased, and the irritation against Prussia and her inhabitants been unnecessarily intensified, the Government cannot shut their eyes to the conviction that the interests of the country have in consequence been in various ways seriously injured. These exaggerations, which the Government had no legal means to prevent, have been set going by the press, and have been materially increased by the debates in the Chamber of Representatives on the Polish question.

(Signed) BISMARCK.

No. 72.

Earl Cowley to Earl Russell.—(*Received March* 6.)

My Lord, *Paris, March* 4, 1863.

M. DROUYN DE LHUYS having requested to see me I waited upon his Excellency this afternoon.

He said that he had communicated to the Emperor the papers of which, by your Lordship's directions, I had left copies with him yesterday, and that he had received His Majesty's orders to state that, while regretting that the identic note which His Majesty had desired that the Representatives of the two Governments should have presented at Berlin had not been agreed to by Her Majesty's Government, His Majesty recognized with satisfaction that the opinion expressed in your Lordship's despatch to Sir Andrew Buchanan, respecting the Convention of St. Petersburgh, coincided with that which he himself entertained of that act.

Copies of that despatch, and of your Lordship's despatch to Lord Napier, his Excellency added, would be sent to the French Ambassadors at Berlin and St. Petersburgh, and they would be invited, in remarking to them that the language of Her Majesty's Government was in general harmony with the language prescribed to them, to continue to act upon the instructions which they had received.

M. Drouyn de Lhuys said further, that he should send to the Emperor's Representatives at Berlin and St. Petersburgh, a despatch narrating the communications which had passed between the Imperial Government and that of Her Majesty, with reference to the project of an identic note, together with a copy of the projected note.

I have, &c.

(Signed) COWLEY.

No. 73.

Mr. Grey to Earl Russell.—(*Received March* 7.)

My Lord, *Paris, March* 6, 1863.

I SAW M. Drouyn de Lhuys this afternoon, and although not instructed to do so by your Lordship I informed his Excellency that Her Majesty's Government were of opinion that the next step to be taken in the Polish question would be to invite the chief Powers who signed the Treaty of Vienna to concur in advising Russia to recur to the stipulations, and to revert to the policy, of the Treaty of Vienna in regard to Poland.

M. Drouyn de Lhuys said that he would take the Emperor's orders on this subject at the Council which is to be held to-morrow.

I have, &c.
(Signed) W. G. GREY.

No. 74.

Sir A. Buchanan to Earl Russell.—(Received March 9.)

(Extract.) *Berlin, March 5, 1863.*

YOUR Lordship's despatch of the 2nd instant was delivered to me on the morning of the 4th, by the messenger Blackwood; and I lost no time in seeking an interview with M. de Bismarck, and reading it to his Excellency. When I had finished, M. de Bismarck asked whether I would give him a copy of the despatch; and on my replying that I was not instructed to do so, he proceeded to make some observations on its contents. He said that your Lordship spoke in one place of the events occurring in Poland as a contest between the Russian Government and Polish insurgents; and in another, as a war against the Poles, in which you accuse Prussia of having engaged to to take a part; but in his opinion, the measures which the Russian Government are employing to suppress the insurrection cannot be properly described as a war in which two nations are engaged; and Prussia could not therefore have been said to have become a party to a war between Russia and Poland, if her troops had been ordered to act in concert with those of Russia on the frontier in the event of an insurrection having broken out in her own territory.

I replied that I did not see how the name given to the conflict could in any way affect the responsibility which Prussia would in such a case have assumed.

His Excellency went on to discuss the paragraph in the despatch in which your Lordship states that you had reason to believe that the Convention signed by Prussia and Russia contains an agreement that Russian troops upon crossing the frontier of Prussia shall not be disarmed, as would be required according to international usage, but shall be allowed to retain their arms, and to remain and act as an armed body in Prussian territory. M. de Bismarck said there was no such engagement in the Convention. Your Lordship, however, will probably consider that it is included in the stipulation mentioned by your Lordship, and which his Excellency admits that the Convention does contain, that Russian troops shall be permitted to pursue and capture Polish insurgents in Prussian territory. The interpretation of that stipulation, however, had been, he said, under negotiation; and it was to have been restricted and defined by instructions to be given to the military frontier authorities, when it was decided that it would not be necessary for the troops of either Government to cross the frontier at all, and that no instructions on the subject should be prepared. The Convention might therefore, he said, be looked upon as a dead letter, as the instructions necessary for carrying it into effect had never been drawn up.

Your Lordship's observation that if Russian troops are to be at liberty to follow and attack Polish insurgents in Prussia, the Prussian Government makes itself a party to the war now raging in Poland, M. de Bismarck met by a denial that Russian troops have ever been allowed to do so; but he said, nevertheless, considering the reasons which the Prussian Government had at one time for fearing that the Prussian territory would be violated by the insurgents, and that Prussian subjects would be incited to revolt, he could not admit that the case of Russian troops acting in the manner contemplated by the Convention against insurgents in the Prussian frontier districts could be looked upon in the same light as a Federal ship of war attacking a Confederate ship in British waters; for any permission granted to Russian troops to cross the frontier into Prussia, or for Prussian troops to cross into Russia, would have been given solely for the protection of Prussian territory and of Prussian property, and for a purely defensive purpose, in the event of an insurrection existing on both sides of the frontier, as there was every reason to apprehend would have been the case before Prussian troops could have reached the frontier districts in sufficient number to provide for their security. I could not, of course, admit the distinction which M. de Bismarck wished thus to establish, as the motive for permitting an act cannot affect the character of its consequences; but M. de Bismarck maintained that considering the position of the Prussian Government, it could not fairly be said that they would have given, by carrying out the stipulations of the Convention, indirect support and countenance, as alleged by your Lordship, to the arbitrary conscription of Warsaw, for they could not have neglected to take such measures as they might have considered necessary, under the circumstances, for the safety and protection of their own territory.

As to the request which I had been instructed to make to him for a copy of the Convention, his Excellency observed that he could not understand upon what grounds Her Majesty's Government could consider themselves justified in expecting the Prussian Government to communicate to them a copy of an incomplete document, which only formed, as he had already explained to me, the first step in a negotiation now suspended, and which must remain entirely inoperative unless it were rendered effective by instructions which had to be agreed upon, and which will not now be drawn up, as circumstances have rendered them unnecessary. It was, therefore, a Convention of which no ratifications had been exchanged, and it was not intended that it should be ratified.

M. de Bismarck then repeated what he had formerly said to me, viz., that the Convention merely states that as the insurrection which has broken out in the Kingdom of Poland threatens public and private property and the peace of the neighbouring Provinces of Prussia, it has been agreed between the two Governments that assistance may be afforded to each other, and their troops be authorized to cross the frontier on the demand of either Government, and in cases of necessity, and that this agreement shall only last while both Governments shall deem it expedient.

His Excellency said that the proposal to enter into the Convention was forwarded by telegraph from St. Petersburgh by General Alvensleben, who received authority on the same manner to sign it. That the King had at first hesitated to authorize its signature, as His Majesty considered the agreement of too elastic a nature, until it was suggested to him that the character of the engagement would entirely depend upon the instructions to the frontier and military authorities, which must be agreed upon with the Russian Government before the Convention could be carried into effect, as to the circumstances in which, and the distance to which, the frontier could be crossed by the troops of either party, and therefore on His Majesty's own appreciation of the cases of necessity in which Russians should be permitted to do so at all. His Excellency said that negotiations having been consequently opened for preparing such instructions, the Russian Government proposed that their troops should be allowed to cross the frontier when in actual conflict and in sight of an enemy, and to a distance from which they could return within the same day. His Excellency, however, did not explain to me by what authority permission to cross was to be given in such cases, observing, however, that arrangements for this purpose would have depended on the danger threatened in each district; but he said that even this restricted authority had never been conceded, and no action by Russian troops on Prussian territory, as far as he was aware, had ever taken place, although accidental cases may have occurred, but if so this may have happened in Austrian as well as in Prussian Poland, nor had any occupation of Russian territory by Prussian troops ever taken place, although it had been attempted to represent as such the occupation of the bridge belonging to Prussia which connects the Prussian town Gollub, near Kulm, with a Russian town on the opposite side of the River Drewentz, when it was believed that insurgents in possession of the Russian town were about to make an irruption into Prussia.

M. de Bismarck stated, however, that there have been several cases in which Russian Custom-house guards, when assailed by the insurgents, have crossed with the Custom-house chest into Prussia, and have been allowed to return without being deprived of thi arms, not, however, in virtue of the Convention, but as a mere act of courtesy on the part of the King.

No. 75.

Sir A. Buchanan to Earl Russell.—(*Received March* 9.)

My Lord, *Berlin, March* 7, 1863.

I HAVE the honour to inform your Lordship that I have read to M. de Bismarck the draft of my despatch of the 5th instant, and that his Excellency has acknowledged it to be a correct report of the language which he held to me at my interview with him on the preceding day.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 76

Sir A. Buchanan to Earl Russell.—(*Received March* 9.)

My Lord, *Berlin, March* 7, 1863.

DURING my conversation with M. de Bismarck yesterday, I asked him if he had read the whole Convention with Russia to me last week, and if it contained no clause about the use of Prussian railways by Russian troops.

He replied that it contained no such clause; adding that last week he had read to me the German text of the draft of the Convention as proposed by General Alvensleben, and to satisfy me entirely, he would now read to me the Convention itself, which had been signed by that officer and Prince Gortchakoff at St. Petersburgh.

He then produced and read it; and as far as I can judge of a document which has not been actually in my hands, I believe it to contain no other stipulations than those which he had already mentioned.

It is clear to me, however, as there is no clause relative to the exchange of ratifications, and as it merely concludes with the words "that this arrangement shall only remain in force as long as the two Governments may think expedient," that it was never intended that any regular ratifications should be exchanged.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 77.

Sir A. Buchanan to Earl Russell.—(*Received March* 9.)

My Lord, *Berlin, March* 7, 1863.

IN conformity with your Lordship's instructions I yesterday read to M. de Bismarck your Lordship's despatch of the 4th instant, and also the copy which it contained of a despatch to Her Majesty's Ambassador at St. Petersburgh, dated the 2nd instant, which records the sentiments of Her Majesty's Government with respect to the events now passing in Poland, and suggests measures which they conceive should be adopted by Russia and the Powers who were parties to the Treaty of Vienna of June 1815, with a view to the cessation of bloodshed in Poland, and to the enjoyment by the Polish nation of the rights promised to them at Vienna, but hitherto withheld.

I, at the same time, asked M. de Bismarck what answer I should give to the hope expressed in your Lordship's despatch that the Prussian Government will concur with that of Her Majesty in making representations to the Government of Russia, which have for their object the interests of humanity and the security of the peace of Europe, and his Excellency said he would reply to your Lordship's despatch through Count Bernstorff.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 78.

Sir A. Buchanan to Earl Russell.—(*Received March* 9.)

My Lord, *Berlin, March* 7, 1863.

WITH reference to the arrest of two young men, born in France of Polish parents, on their way to Poland without proper passports, reported in my despatch of the 27th instant, I understand that they have claimed French protection, and that the French Ambassador having consequently interfered in their favour, an inquiry has been instituted as to their nationality, which, it is hoped, will result in their not being delivered up to the Russian Government.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 79.

Mr. Jerningham to Earl Russell.—(*Received March* 10.)

(Extract.) *Stockholm, March* 4, 1869.

I HAVE the honour to inclose a translation of an account of a numerous and enthusiastic meeting held at the Exchange on the 2nd instant in favour of Poland, at

which members of the Noble, Burgher, and Peasant Chambers were present, and when the strongest resolutions were passed, the proceedings terminating by a subscription, which is to remain open for further contributions.

Inclosure in No. 79.

Extract from the "Nya Dagligt Allehanda" of March 3, 1863.

(Translation.)

THE MEETING IN BEHALF OF THE POLES.—The public meeting held yesterday, at half-past 6 in the evening, in the lower hall of the Exchange, to decide on some becoming expression of sympathy with the noble and unfortunate Polish people, whose cause preoccupies at present the thoughts of every noble-minded person in the civilised world, was as fully attended by representatives of all classes of the community as the large hall was capable of containing.

The meeting was opened by "Auditor"* Blanche, at whose invitation Baron A. C. Raab was named Chairman.

Besides Baron Raab, there were three other members of the House of Nobles present who spoke, namely, Baron Hugo Hamilton, Mr. P. R. Tersmeden, Mr. E. Von Quanten; and two members of the Citizen-Chamber, District-Judge Carlén and "Auditor" Blanche; as well as three members of the Peasant-Chamber, Uhr, Rosenberg, and Per. Nilsson of Espö.

Besides these speakers, all of whom belonged to the Diet, there was also the editor of the "Afton-bladet" newspaper, Mr. Sohlman.

We publish in another part of our impression the different speeches in the order in which they were made.

All expressed the liveliest and deepest interest in the Polish nation of martyrs ("martyr-folk"), and all met with the strongest support from the audience, who gave way to their feelings in loud and frequently repeated cheers, an applause which really became stormy when anathemas were launched against the barbarous hordes of Russia and the shabby conduct of Prussia, "whose hospitality to the Poles took the form of rounds of ball-cartridge."

During the meeting a telegram was received from Norrköping expressive of the lively interest taken in the unfortunate Poles by persons there assembled.

On Baron Hamilton's motion the following Resolution was passed as representing the general sentiments of the meeting,—a Resolution to be communicated by telegraph to Prince Czartoriski, the Chief of the Polish Emigration Society resident at Paris:—

"That this meeting desires to express, as far as lies within its power, its warm sympathy with the unmerited sufferings of the Polish people, a nation as noble as it is unfortunate, and to record its opinions,—

"1st. That the people of Poland have been treated in a manner utterly at variance with all the laws of nations, since they have been deceitfully attacked by their powerful neighbours, and their country has been divided among the latter.

"2nd. That the protest of the Polish people against such violence, a protest dating back nearly a hundred years, and their repeated efforts to regain their national independence, cannot be confounded with an ordinary attempt at insurrection, but are fully justifiable in the sight of God and man.

"3rd. That, consequently, the Polish strife for freedom which has now commenced is, in our opinion, entirely justified by circumstances, especially in view of the manner in which the conscription lately ordered to take place has been carried out, since that conscription was made use of as a means of seizing and expatriating the flower of the youth of Poland, who were left no other choice than cowardly to submit to this measure of violence, or courageously fall on the field of honour.

"4th. That we cannot sufficiently lament that the other nations of Europe have not long since lent their assistance to restore the nationality of the Polish people, and that we cannot do otherwise than express our most serious condemnation of every attempt which may be made by a foreign Government to support in the battle of freedom which has now commenced those enemies by which Poland has been hitherto over-matched.

"That, on this account, we desire that the people of Poland may obtain the assistance of the Almighty in the contest once more renewed to effect the independence of their country, that they may finally be victorious, and that they may attain their national liberty and the blessings of independence."

* "Auditor" signifies a law officer attached to a regiment, whose duty it is to preside at court-martials.

The President then reverted to a proposal made in the course of the discussion that, the meeting should give utterance to the wish that the above expression of opinion might be the first link in the chain of similar expressions from all towns and parts of the country, and that the latter should thus consider the Resolutions the meeting had formed as an invitation to them to follow its example.

After determining to open a subscription in support of the Polish patriots, and to place lists in all the bookseller's shops for the purpose of receiving signatures for that object, the proceedings terminated with loud and repeated cheers of "Long live the Poles!"

A collection was then opened on the spot with a subscription of 500 rix-dollars from the President of the Peasant-Chamber, Nils Larpon of Tullus, which, with other contributions, amounted to 1,000 rix-dollars, when the meeting separated a little before 9 o'clock in the evening.

No. 80.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, March* 11, 1863.

AS it appears by your Excellency's despatch of the 5th instant that the so-called Convention between Prussia and Russia, relative to the suppression of the insurrection in Poland, is now a dead letter, and as no instructions have been issued under it, you can no longer ask for a copy of it.

That direction was issued on the supposition that the Convention would be ratified, and that instructions would be issued for carrying it into effect.

The crossing the frontier with money from unprotected and insulated Custom-houses, without any formal Convention, must be considered as too unimportant to deserve serious notice.

I am, &c.
(Signed) RUSSELL.

No. 81.

Sir A. Buchanan to Earl Russell.—(Received March 14.)

(Extract.) *Berlin, March* 12, 1863.

THE "Staats-Anzeiger" of this day's date contains an official contradiction of various statements made with reference to the Russian Convention in the "Opinion Nationale," the "Moniteur," and other less important papers. In the concluding paragraph of this article it is stated that England alone has chosen the form of a despatch to bring her objections to the Convention in a friendly manner to the notice of the Prussian Government, and that as regards verbal "representations, which, besides France, Austria and other Governments are supposed to have made," the Berlin Cabinet knows nothing.

The wording of this paragraph in the original leaves it in doubt whether the writer means to deny that verbal representations have been made by Austria, France, and other States, or to admit that France has made verbal representations, and to apply his negation only to Austria and the other Governments.

No. 82.

Lord Napier to Earl Russell.—(Received March 16.)

(Extract.) *St. Petersburgh, March* 5, 1863.

I ASKED the French Ambassador to-day whether Prince Gortchakoff had shown him the text of the recent Convention between Russia and Prussia for the suppression of the Polish insurrection, or, as they say here, for the pacification of the frontiers.

The Duke de Montebello replied, that he had seen the Convention, which was framed very much in the sense previously stated by Prince Gortchakoff. The "Secret Article" merely bound the Contracting Parties to a mutual communication of intelligence respecting the progress of the movement.

I have not pressed Prince Gortchakoff to show me the Convention, as I do not like to expose myself to a refusal.

No. 83.

Colonel Stanton to Earl Russell.—(Received March 16.)

My Lord, *Warsaw, March 4, 1863.*

THE revolutionary movement in this kingdom, which has now been in active operation for six weeks, appears, notwithstanding the unequal nature of the contest, to become more and more formidable, and, instead of being crushed or suppressed by the military forces brought against it, has succeeded in maintaining itself in every part of the kingdom, if not in gaining advantage over the Imperial troops.

The bulletins of the operations of the troops published by the Government are of so meagre a nature that it is quite impossible from them to form any correct judgment of the plan of the campaign, if, indeed, any real plan exists, and at the same time the information contained in these bulletins appears so improbable that one may be permitted to doubt their correctness.

The Government of Radom continues to be the scene of the principle operations, and the insurgents in that district, commanded by Langiewicz, although constantly reported dispersed and destroyed, reappear in undiminished numbers at a short distance from the scene of their reported destruction, and by their activity and the ability with which they are handled, harass the troops sent against them most severely; and although unable to make any impression against the troops by acting in mass, the insurgents may, nevertheless, by continuing this partisan system of warfare, and by avoiding any general engagement, keep the whole Russian army in the kingdom in a constant state of suspense and preparation, and prevent anything approaching to a settlement of the question for some time to come.

The last official bulletin published declared that Langiewicz's band had been routed, and himself wounded, in an action near the town of Wloszczowa, situated about midway between the Warsaw and Vienna Railway and the old post-road to Cracow, and nearly equidistant from the towns of Kielce and Chenstochowa; it also mentioned that numbers of prisoners were brought in by the peasants, and that some parties had even surrendered themselves to the troops. What amount of truth there may be in this report, my Lord, it is impossible for me to judge; but later information states that this Chief now occupies the ground in the neighbourhood of Vycow, lately held by the band under Kurowski, that was so severely handled in the attack on the town of Miechow; and this position, which is close to the Austrian frontier, gives him the opportunity of receiving such supplies as can be smuggled across the frontier, as well as allowing him a retreat if pressed. The military authorities appeared at last to be fully alive to the importance of crushing this band, and it is believed that a force of from 10,000 to 12,000 men are now engaged in the operations undertaken for this purpose.

Very little is as yet known here of the movements of Mierolawski, but there appears to be no doubt that he has been in the Kingdom, and it is believed he is now preparing a force to operate near the Lithuanian frontier, and that he will take the command of all the bands formed on the right bank of the Vistula.

Although, my Lord, it is almost impossible to suppose that the Poles can succeed, if left to their own unaided strength, in gaining any decisive advantage over the Imperial forces, it is now evident that even with the very small means at their disposal they can dispute the possession of the country with them; and the fact that an army numbering at the lowest estimate about 80,000 men, well armed and equipped, and composed of old and disciplined troops, has been unable to put down an outbreak that commenced with such small means at its disposal, is most remarkable, and proves that, however deficient the insurgents may be in warlike stores and materials, they are at all events imbued with such a spirit of determination that the best efforts of a large and well-organized force will be required to regain the complete mastery of the country.

Hitherto the efforts of the insurgents appear to have been devoted chiefly to interrupting the railway communications of the Kingdom, and at the same time, by forming bands in all parts of the country, to forcing the Russians to concentrate their scattered detachments under the fear of having them destroyed in detail, and so to leave the resources of a large extent of country available for the support of the various bands; and that their policy has succeeded so far is incontestable, and although some severe losses have been experienced by them, their numbers, judging from all accounts, are now greater than they have been at any previous period, and, indeed, more men appear to be forthcoming than there are arms to place in their hands.

The pressure applied by the Revolutionary Committee on the nobles and others from the Moderate party is now, my Lord, so great that the utmost firmness is required by them

to resist joining the movement openly, and although it may be too much to say that the Government wishes to drive this party into active opposition, still no effort has been made to gain their support, nor have the slightest overtures been made by the Government to any prominent member of this party.

It was hoped and believed by many persons that the anniversary of the accession of the Emperor (the 3rd March) would be made the occasion of offering a general amnesty, but no such boon was accorded; and I cannot help mentioning to your Lordship as a significant fact, that although the Polish Members of the Council of State, and among them the Count Poletylo, whose mansion was pillaged by the troops some short time since, attended the levee held by the Grand Duke on that occasion, notwithstanding the most violent opposition of many even of the Moderate party, not the slightest notice was taken of these gentlemen by His Imperial Highness.

I have, &c.
(Signed) EDWD. STANTON.

No. 84.

Colonel Stanton to Earl Russell.—(Received March 16.)

(Extract.) *Warsaw, March 7, 1863.*

I HAVE the honour to report to your Lordship that His Imperial Highness the Grand Duke Constantine has been appointed to the command of the army in the Kingdom of Poland, in addition to his functions as Viceroy, and that His Imperial Highness has taken over the command from General Baron Ramsay, who retires from active service.

The troops at present available, serving in Poland, as far as I can judge, are the 4th, 5th, 6th, and 7th Infantry Divisions, the 3rd Division of Guards Infantry, two regiments of Grenadiers of the Guard, and half of the 2nd Infantry Division, ve regiments of Regular Cavalry, two of these belonging to the Guard, and eight or ten regiments of Cossacks.

The Artillery attached to these troops would amount to five brigades of Foot Artillery, besides Horse Artillery.

This would make a total of about 70,000 Infantry, 3,000 to 4,000 Regular Cavalry, and from 6,000 to 8,000 Cossacks, with about 120 guns, and from 3,000 to 4,000 Artillerymen, besides the companies of Sappers, Invalids, and others detached for special service.

In addition to this army in the kingdom, the forces stationed in the Governments of Lithuania, Volhynia, and Podolia, must amount to about 50,000 men, who may also be considered as more or less engaged in the suppression of the present outbreak.

This imposing force would appear to be more than sufficient to quell an insurrection that cannot number more than 20,000 men in the field, and these not half armed, and without depôts or magazines to supply their wants; and the only manner in which I can account to your Lordship for the very slight impression that has as yet been made on the insurgents by this army, is from the desire of the Government to hold every town of any importance within the kingdom, so as to prevent the insurgents from being able to occupy these, and establishing the head-quarters of a Provisional Government in them, and that the garrisons required for this purpose absorb so large a portion of the force that the remainder is not sufficient to allow of the necessary moveable columns being formed to follow the movements of the insurgents in all parts of the kingdom.

It is stated that the remainder of the Division of Grenadiers (about 5,000 men) is *en route* to reinforce the army in the kingdom.

No. 85.

Colonel Stanton to Earl Russell.—(Received March 16.)

My Lord, *Warsaw, March 9, 1863.*

THE official Gazette of this town of the 6th instant published instructions to the Military Chiefs of the different districts of the kingdom, to form amongst the peasants of the different villages a sort of rural police, who would have the power of examining any person either residing in, or passing through, the village to which they belong, as well as of arresting armed men or others belonging to insurgent bands or marauders, and I have the honour to forward herewith to your Lordship a translation of the document in question.

This Ordinance appears to me, my Lord, to contain in it much more than is conveyed by the actual wording, and I am of opinion it must be considered as a blow aimed at the whole of the landowners of the kingdom, as the power placed by it in the hands of the peasants (a totally uneducated class), of arresting all insurgents without demanding that any proof should be required to justify the arrest, cannot be otherwise than a most dangerous weapon in their hands; and, although the third clause of the Ordinance enacts that the Communal Chiefs, peasants, bailiffs, and elders are to take care that no excesses are committed by the peasants when apprehending insurgents, and that those who infringe this rule are to be severely punished, it is barely possible that, if carried out at all, such a law can avoid giving the occasion for the gratification of every kind of personal vengeance and spite; and it is much to be feared that in some few parts of the kingdom, scenes similar to those that occurred in Galicia in 1846, may be the result of such a measure.

A proclamation of a similar description, but still stronger, and speaking more directly to the interests of the peasants, has been published in Lithuania by the Governor-General, General Nazimow, a translation of which I also take the liberty of forwarding to your Lordship.

It is impossible for me as yet to report to your Lordship what may be the result of this measure on the nobles and others of the Moderate party, or how far the Government may succeed in exciting the peasantry within the Kingdom of Poland against the insurrection; but I do not anticipate that the Government will derive in general much assistance from this class, for, although in some parts of the kingdom the peasants may be hostile to the Polish party, it does not appear that in general they have been disposed to lend assistance, or give information, to the troops acting against their countrymen; and many persons capable of judging are inclined to the belief that, if they saw any prospect of getting rid of the Russian troops for good, or of permanent success to the insurrection, the peasants would, as a class, rally to the ranks of the national forces, and that the neutrality they show at present is more to be attributed to their natural Conservative tendencies and prudence, than to any favourable feeling towards the Russians themselves.

The Moderate party, also, though sorely pressed by the importunities of the Insurgent Committees, and, at the same time, so utterly ignored by the Government, have, I believe, my Lord, sufficient tact to perceive that, at any rate, this is not the moment to throw themselves into the movement; and that, so long as the insurrection is conducted by a Secret Committee, composed of unknown persons, and without any regularly organized system or programme, they would be uselessly sacrificing themselves for an undeveloped object, and would lose the hold they now possess over their countrymen, and thereby become incapable of rendering efficient service in the event of foreign intervention in favour of their country, or of liberal institutions being granted them by the Emperor of Russia. Should, however, my Lord, the present movement give an opportunity to the insurgents of proclaiming a Provisional Government, directed by persons of substance and position, with any reasonable prospect of endurance, it cannot be doubted that the Moderate party would gladly seize the opportunity of declaring its allegiance, if only to show to the rest of Europe that the present insurrection is indeed a thoroughly national movement.

I have, &c.

(Signed) EDWD. STANTON.

Inclosure 1 in No. 85.

Extract from the Warsaw "Official Gazette" of March 6, 1863.

THE Chief of the Staff has communicated the following instructions to the Military Chiefs:—

His Imperial Highness the Grand Duke, having received information that the peasant class testify to their loyalty, and generally give assistance to the troops, as by their allegiance they are bound to do, and that they spare no efforts to restore tranquillity and the authority of the law—disturbed by the enemies of their country and of all order, has been pleased to approve of the following regulations being issued, for the purpose of defining the assistance required from them, and to prevent its degenerating into vexations injurious to peace and property:—

1. The village authorities are to employ village watchmen for the purpose of examining all persons, either residing in or merely passing the village.

2. The peasants, elders, and bailiffs, are to apprehend all armed individuals and persons belonging to insurgent bands, as well as marauders. For this purpose they are to

employ the necessary number of peasants, with a view of conveying the persons apprehended to the nearest military station.

3. The Communal Chiefs, Peasant-Baliffs, and Elders, are instructed to take care that the peasants do not commit excesses when apprehending insurgents, and that this be done without violence or arbitrary acts.

Persons infringing this rule are to be severely punished.

The Minister of the Interior having received a copy of these instructions from the Chief of the Staff has communicated the same to the several Civil Governors.

Inclosure 2 in No. 85.

Proclamation by General Nazimow.

TO all the Town and Country Communes, and to all the inhabitants of the Governments of Wilna, Kowno, Grodno, and Minsk.

By my Proclamation of the 16th ultimo you have been informed of the occurrence of disturbances in different places in the Kingdom of Poland; and I took that opportunity to remind all classes of inhabitants living in the provinces placed by His Majesty the Emperor under my authority, of the duties required by their allegiance, and begged of them to give their assistance in protecting this country from the incursions of bands of rebels from that kingdom.

Since that time some of these men have succeeded in entering the Government of Grodno. These men, who, having raised the standard of rebellion in the kingdom, had commenced their enterprise by nightly murder and pillage, and by destruction of the means of communication which have been made for the public good,—these men have fled to the forests before the troops that are engaged in their pursuit, and not only do they propagate sedition in places unoccupied by troops, but they seek to create confusion and disorder throughout the country by means of emissaries.

I address you once more, inhabitants of this province, and I appeal to your loyalty, to the obligations incumbent on you by your oath of allegiance; you are bound by that oath to resist every attempt that may be made to induce you to co-operate with these mad undertakings, to yield obedience to the legitimate authorities, and to assist them in preserving the peace. Remember that these men are sure to meet their deserved punishment; their efforts will prove insufficient to resist our troops, who will shortly give up the remnants of these bands into the hands of justice. Remember this, that even one moment of thoughtlessness may prove sufficient to expose you to the penalty of the law, and to destroy your own prosperity and that of your families.

I give you all notice hereby, that I have commanded all the civil and military authorities acting under my orders to impress on their minds that it is their duty to put an end to, and punish with the utmost severity, any attempt at disorder in any of the districts committed to my government.

I address myself chiefly to you, peasants of Wilna, Kowno, Grodno, and Minsk, reminding you of the freedom from serfdom bestowed on you by the Emperor. The time has not yet elapsed when you are to enjoy the full benefit of that enactment, which opens to you the enjoyment of civil rights and of material prosperity: and it is attempted to coax you into acts of ungratefulness and insubordination against the very Sovereign to whom you are indebted for all these favours.

You may prove the fruitlessness of any such attempt by seizing at once every individual who should presume to tempt you, and by delivering him over to the nearest authority to be treated according to law, by assisting in preserving order and peace in the country, as by this means alone you may secure for your own interest the speedy conclusion of the proceedings of those Commissions which are to determine finally your interest in the land, and which cannot proceed with their business when the country is disturbed.

I make all the communes responsible for the security of the public communications, and desire them to provide for the safety of all civil and military functionaries who happen to be within their territory, or have to pass through them on duty, or who may be attacked by rebels or conspirators.

All town and village authorities are to attend to these their duties, and in cases of neglect they are to be subjected to the penalty of partners in guilt, whenever such neglect shall have occurred from some criminal motive.

Wilna, February 7, 1863.

General Aide-de-camp,
(Signed) NAZIMOW.

No. 86.

Colonel Stanton to Earl Russell.—(Received March 16.)

My Lord, *Warsaw, March 11, 1863.*

I HAVE the honour to report to your Lordship that the whole of the unofficial members of the Council of State of this kingdom, at present in Warsaw, have resigned their appointments as members of that Council; the reason assigned for this step being the Ordinance promulgated by the Government on the 6th instant, calling upon the peasants to assist in re-establishing order, and empowering them to examine or arrest all persons passing through or residing in their villages; a translation of which I had the honour to forward to your Lordship with my despatch of the 9th instant.

This step on the part of noblemen and gentlemen who had only accepted their nominations to the Council after much pressing, and against their own inclinations, but in the hope of being able to confer some benefit on their country by their adherence to the Government, is now hardly to be wondered at, as since the commencement of the outbreak they have not been consulted either in Council or individually as to the measures most likely to restore tranquillity, but, on the contrary, have been treated by the Government with an almost studied indifference; and as this last Ordinance has so much the appearance of a desire on the part of the Government to excite the animosities of the peasants against their class, it could, my Lord, I imagine, hardly be expected that they should continue to belong to an Administration that adopts such measures, as by their continuing in this, the chief Council of the kingdom, they would tacitly give their sanction to the various acts of the Government.

The Council of State of the kingdom, therefore, at present consists only of *ex officio* members and some few Polish gentlemen, who at the present moment are absent from the country, and who may probably follow the example of the other independent members, and thus, my Lord, the concessions lately accorded by the Emperor to this kingdom have become little better than a dead letter, and the breach between the Governors and the governed still wider than it was even at the time of granting these reforms in the administration of the kingdom.

I have, &c.
(Signed) EDWD. STANTON.

No. 87.

Colonel Stanton to Earl Russell.—(Received March 16.)

(Extract.) *Warsaw, March 11, 1863.*

THE last reports, both official and otherwise, establish the fact that the insurgent Chief Langiewicz has his head-quarters at present at the village of Goszeza, close to the Galician frontier, and at a very short distance from Cracow, and although his force was reported on the 2nd instant in the Government Gazette to have been totally dispersed, the same journal on the 9th instant stated that the remnants of the bands, to the number of 6,000, were assembled at Scala, for the purpose of re-organization.

It is almost impossible, my Lord, from the conflicting statements, to ascertain correctly the nature or result of the late engagements between the troops and this leader, but from the admitted fact of his being still in the neighbourhood of the scene of these actions, with such an imposing force as 6,000 men under his orders, it is evident that whatever success the troops may have had over the insurgents, it was very far from being complete, and that no attempt has been made to pursue these bands reported as defeated and dispersed.

It is now reported to be the intention of the Russian Government to mass a considerable force near the Austrian territory, so as to establish a cordon along that frontier of the kingdom; and as it is undoubted that both men and material have hitherto reached the insurgents by this frontier, it will be a serious blow to them should their communications with Galicia be cut off.

From the Grand Duchy of Posen several bands have attempted to join the insurgents within the kingdom, and although it is stated that the number of Prussian troops massed on the frontier is very considerable, it appears these bands succeeded in crossing the boundary, but being met by Russian troops on Polish territory were dispersed with heavy loss.

As yet the reports from Lithuania and the Provinces on the east of the kingdom do

not appear to be very encouraging for the insurgents, but it is established beyond a doubt that bands do exist in these Provinces, although it is doubtful whether the insurrection will spread there; but in a few days information of a decisive character may be expected from that quarter.

In conclusion, my Lord, I may mention that I have every reason to believe that, within the last few days, the leading members of the Moderate party have been in communication with the revolutionary leaders, with a view to co-operation in the movement, and it is even rumoured that the latter are prepared to resign their power as soon as any persons of sufficient position to command general respect will openly avow themselves as the leaders of the movement; but, under existing circumstances, it can hardly be expected of any persons of rank in the kingdom openly to declare themselves, as without arms, depôts, or organization, or even a single town or place of importance within the kingdom, in which to establish a Provisional Government, such a declaration would be only handing themselves over to immediate destruction: but these negotiations are naturally conducted with so much secresy that I am unable to give your Lordship any positive information on the subject.

No. 88.

Lord Bloomfield to Earl Russell.—(Received March 16.)

My Lord, *Vienna, March 8, 1863.*

I HAVE the honour to inform your Lordship that in obedience to your instructions I have just read to Count Rechberg your Lordship's despatch of the 4th instant, and also your Lordship's despatch of the 2nd instant addressed to Her Majesty's Ambassador at St. Petersburgh.

His Excellency said that he did not think the Imperial Government, much as they desire to act with Her Majesty's Government, and adapt their policy to ours, could undertake to address a communication to the Russian Government in the sense of your Lordship's despatch, but that he would lose no time in taking the Emperor's orders respecting the answer to be returned to London, and he requested me to leave the despatches with him. I replied that I had only been directed to read these despatches to his Excellency, but I would immediately apply by telegraph for authority to meet his wishes.

His Excellency then observed that the movement in Poland, which the Russian Government had hoped to have mastered by this time, was as far as ever from being extinguished, and that their position had become more critical as the insurgents now felt increased confidence in the sympathies of foreign Powers. He added that he doubted if the establishment of a National Representation in the Kingdom of Poland would advance the object of peace, for it was impossible to say to what extent Polish aspirations would not reach if the restoration of their nationality were seriously supported from abroad. He thought a system of Provincial Diets could be usefully adapted to Poland; but that Russia would never agree to the re-establishment of a national army, or of a system of finance separate from that of the Empire.

I have, &c.
(Signed) BLOOMFIELD.

No. 89.

Lord Bloomfield to Earl Russell.—(Received March 16.)

My Lord, *Vienna, March 12, 1863.*

COUNT RECHBERG sent for me yesterday and allowed me to read the draft of a despatch that he purposed sending to Count Apponyi by the present messenger, in answer to the communication which I made to his Excellency on the affairs of Poland as reported in my despatch of the 8th instant.

This despatch* will be communicated to your Lordship by the Austrian Ambassador. It contains nothing that indicates any prospect of a departure from the policy which the Imperial Government decided to follow at the outset of the insurrection in Poland, and the despatch addressed at the time to Prince Metternich, a copy of which was sent to Count

* See No. 104 for an account of this despatch.

Apponyi and communicated to your Lordship, is taken as the basis of the policy of the Austrian Government in this question.

Count Rechberg states that Austria must retain her present attitude of reserve, that she cannot deviate from the policy laid down in the despatch to Prince Metternich. His Excellency considers that Austria has not failed to fulfil her international obligations. She has not been unmindful of the cause of humanity nor neglected the true interests of Europe. She desires the maintenance of peace, and is esssentially interested in the restoration of order in Poland. She does not consider that the proposal of Her Majesty's Government will be attended with success at St. Petersburgh, and cannot follow England and France in the policy which they are disposed to pursue in the Polish question.

The foregoing is the outline of Count Rechberg's despatch, and it is useless for me to enter into further details respecting it, as it will be placed in your Lordship's hands almost as soon as this reaches you.

I have, &c.
(Signed) BLOOMFIELD.

No. 90.

Sir A. Buchanan to Earl Russell.—(Received March 16.)

(Extract.) *Berlin, March 14, 1863.*

I INQUIRED of M. de Bismarck yesterday whether he had replied through Count Bernstorff to your Lordship's despatch of the 4th instant relative to the affairs of Poland, which I read to him last week, and whether Her Majesty's Government might hope that their representations at St. Petersburgh would be supported by the Government of His Prussian Majesty.

M. de Bismarck said that he had not addressed any communication to Count Bernstorff in reply to your Lordship's despatch, and what he had already said to me with reference to the position of Prussia towards Poland, and the dangerous neighbour which an independent Polish State must prove to Prussia, ought to have satisfied me that the Prussian Government could not urge Russia to adopt measures of which the inevitable tendency would be to re-establish the nationality of Poland, and oblige Prussia to add 100,000 men to her army. He said that the concessions which Her Majesty's Government recommended the Emperor of Russia to grant to his Polish subjects would not satisfy them; and whatever they might obtain now would be used as a means of arriving at eventual independence, and of endeavouring to wrest their Polish provinces from Russia, Austria, and Prussia. Her Majesty's Government could not, therefore, expect Prussia to join them in measures which she believed would lead to such a result.

No. 91.

Sir A. Buchanan to Earl Russell.—(Received March 16.)

(Extract.) *Berlin, March 14, 1863.*

IN my despatch of the 4th instant, I had the honour to call your Lordship's attention to a correspondence that had taken place between the Stettin Chamber of Commerce and M. de Bismarck, and I transmitted to your Lordship the answer returned by his Excellency to the representations made by that body in reference to the dangers with which the mercantile interests of the Kingdom were threatened by the Russian Convention.

This reply of the Foreign Minister not being deemed satisfactory, a further communication was addressed on the 6th instant by the Stettin Chamber of Commerce directly to M. de Bismarck, to which his Excellency replied by a short note, of which a translation is herewith inclosed.

Inclosure in No. 91.

M. de Bismarck's Second Answer to the Stettin Chamber of Commerce.

(Translation.) *Berlin, March 7, 1863.*

I HAVE learnt with lively interest, from their further communications of the 6th instant, what are the views of the gentlemen at the head of the Stettin mercantile

body upon the state of our foreign relations. If I must refuse myself the pleasure of discussing the subject with them in the way of further correspondence, I am yet glad of the opportunity once more to assure them that the satisfactory state of our relations with all foreign Powers affords no grounds for the fears expressed by them of further complications.

It, moreover, appears to me that it would be in the interest of the commercial body, were the gentlemen at the head of the mercantile corporations to oppose themselves to every attempt to excite and spread unfounded apprehensions of this nature. In conclusion, however, I may assure the gentlemen in question that the contents of their communication have been appreciated by Her Majesty's Government in proportion to their importance.

(Signed) VON BISMARCK.

No. 92.

Sir A. Buchanan to Earl Russell.—(Received March 16.)

My Lord, *Berlin, March 14, 1863.*

I HAD the honour to receive your Lordship's despatch of the 11th instant, informing me that, as the so-called Convention between Russia and Prussia relative to the suppression of the insurrection in Poland is now a dead letter, and as no instructions have been issued under it, I can no longer ask for a copy of it; and that I had been instructed to do so on the supposition that the Convention would be ratified, and that instructions would be issued for carrying it into effect.

I have made M. de Bismarck acquainted with this decision of Her Majesty's Government, and of the reasons on which it is founded; and his Excellency again stated that no authority had been given or would be given for Russian troops to act on Prussian territory, or for Prussian troops to cross into Russia.

I do not believe that either Government has declared the Convention or Agreement to have terminated, and therefore while the insurrection in Poland lasts, the communications which would doubtless have taken place between the two Governments, had there been no Convention, may be said to take place under its provisions as long as it has not been officially cancelled.

I have, &c.

(Signed) ANDREW BUCHANAN.

No. 93.

Mr. Jerningham to Earl Russell.—(Received March 17.)

(Extract.) *Stockholm, March 10, 1863.*

REFERRING to my despatch of the 4th instant, relative to a meeting in favour of Poland held at the Exchange, I have the honour to state that Count Manderström has observed to me that he did not look upon that assemblage as of much importance, since sympathy with Poland was already known to be strong and general, as indeed it seemed to be almost everywhere.

His Excellency further observed, that he considered the best thing for Poland would be an early suppression of the insurrection, since it could hardly make permanent head against Russia, and since, while the Emperor could scarcely be expected to treat with armed rebellion, the longer it lasted the more His Majesty would be irritated, and opposed to ulterior concessions.

No. 94.

Admiral Harris to Earl Russell.—(Received March 17.)

(Extract.) *Berne, March 14, 1863.*

THE ill-judged and tyrannical act of conscription in Poland by the Russian Government, for political purposes, has roused indignation and sympathy in Switzerland as elsewhere.

The Central Committee of the Helvetian Club have issued a circular, calling on their

fellow-citizens to supply arms and money to the Poles; but except at St. Gall, where a small amount of subscription was raised, I have not heard of any meetings in their favour.

As far as I can ascertain the report in the London papers of Menotti Garibaldi having passed through this city, on his way to Poland, is untrue. It is equally incorrect that any number of Swiss have started to fight for the Poles.

No. 95.

M. Drouyn de Lhuys to Baron Talleyrand.—(*Extracted from the "Moniteur" of March* 16.)

M. le Baron, *Paris, le* 17 *Février*, 1863.

LE Gouvernement de l'Empereur s'était renfermé jusqu'ici, à l'égard des troubles survenus en Pologne, dans une réserve dont il n'est sorti un instant que par suite de la nécessité où il s'est trouvé d'exprimer sa première impression devant le Corps Législatif. Nous suivions avec un douloureux intérêt les conflits armés qui se sont produits sur plusieurs points, et nous cherchions, avant tout, à nous rendre un compte exact de la portée de ces événements.

J'étais loin de penser que j'aurais sitôt l'occasion d'examiner avec vous la situation du Cabinet de Berlin dans une question où il ne paraissait point directement intéressé et où aucune considération pressante ne l'invitait à s'engager. Mais il nous appelle lui-même sur ce terrain par l'arrangement qu'il vient de conclure avec la Russie et dont M. l'Ambassadeur de Prusse m'a fait connaître les dispositions.

M. le Comte de Goltz m'a dit, ainsi que M. le Baron de Budberg me l'avait annoncé de son côté, que l'objet de cet Acte était de maintenir la sûreté des relations commerciales et d'empêcher la pillage des caisses de la douane. Les troupes de chacune des deux Puissances, afin d'atteindre ce but, pourront respectivement franchir la frontière commune et poursuivre, au besoin, les bandes armées sur le territoire de l'autre, jusqu'à la rencontre d'une force nationale suffisante. Le bruit public est aujourd'hui que les deux Cabinets se seraient de même entendus pour assurer le passage par les chemins de fer Prussiens aux renforts qui seraient dirigés des provinces Baltiques sur Varsovie; mais la communication de M. de Goltz ne m'autorise point à penser que la Convention signée à St. Pétersbourg renferme une clause de ce genre explicitement formulée.

Sous le prétexte d'intérêt douanier, M. le Baron, il n'est que trop facile de discerner le caractère politique de l'entente établie. La nature en est suffisamment indiquée par la stipulation qui ouvre la frontière aux troupes des deux pays, et qui implique, dans un rayon vaguement défini, une véritable coopération militaire de la Prusse. L'existence même d'un accord écrit à ce sujet est, à elle seule, un événement d'une gravité incontestable, et, sans entrer dans l'examen des dispositions consenties par le Cabinet de Berlin, je n'ai pu dissimuler à M. l'Ambassadeur de Prusse les observations que me suggérait une résolution si précipitée.

Je me félicitais récemment encore avec M. le Comte de Goltz du calme qui n'avait pas cessé de régner dans le Grand Duché de Posen. Les informations que j'ai reçues depuis lors de notre Consulat de Dantzig, celles que vous m'avez vous-même transmises, ne me signalent aucun symptôme d'agitation dans cette province, et j'ai peine à me rendre compte des considérations qui ont pu déterminer le Cabinet de Berlin à sortir de la neutralité que les circonstances lui permettaient de garder.

L'intérêt de la Prusse était, ce nous semble, de se maintenir dans cette attitude d'observation, tant que d'impérieuses nécessités ne l'obligeraient pas à en prendre une autre. Plus elle eût montré de réserve, plus elle eût réussi à circonscrire et à refouler l'influence que la lutte engagée de l'autre côté de sa frontière serait de nature à exercer sur les populations de la Posnanie.

Quels peuvent être, au contraire, les effets de l'arrangement que le Cabinet de Berlin a conclu, sinon d'agiter les esprits et de susciter des dangers réels là où il n'existait, quant à présent du moins, aucune difficulté sérieuse?

Mais, à nos yeux, M. le Baron, l'inconvénient le plus grave de la résolution prise par la Prusse, c'est d'évoquer en quelque sorte la question Polonaise elle-même. Jusqu'ici les mouvements qui se sont produits n'ont point été encouragés par les notabilités du pays et de l'émigration; ils n'avaient que le caractère d'un acte de résistance au recrutement ordonné par le Gouvernement Russe; l'insurrection était entièrement locale; elle demeurait concentrée dans les provinces du Royaume de Pologne. En intervenant d'une manière plus ou moins directe dans le conflit, le Cabinet de Berlin n'accepte pas seulement la responsabilité des mesures de répression adoptées par la Russie, il réveille l'idée d'une

solidarité entre les différentes populations de l'ancienne Pologne. Il semble inviter les membres séparés de cette nation à opposer leur union à celles des Gouvernements, à tenter en un mot une insurrection véritablement nationale, et, en même temps qu'il se jette ainsi gratuitement dans de graves embarras, il crée une situation qui, dès aujourd'hui, est une cause d'inquiétude, et qui peut devenir une source de complications pour les Cabinets.

Le Gouvernement Anglais ne nous a point encore manifesté son sentiment à ce sujet ; mais, d'après ce que vous m'avez mandé du langage de M. l'Ambassadeur d'Angleterre à Berlin, je dois supposer que les Ministres de Sa Majesté Britannique n'apprécieront pas autrement que nous la conduite de la Prusse dans ces conjonctures, et il y a tout lieu de penser que le jugement que nous en portons sera celui de l'opinion publique.

Agreez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

M. le Baron, *Paris, February* 17, 1863.

THE Government of the Emperor had wrapped itself hitherto, in regard to the troubles which have taken place in Poland, in a reserve which it only quitted for a moment in consequence of the necessity in which it found itself placed of expressing its first impression before the Legislative Body. We were following with a painful interest the armed conflicts which have occurred at many points, and we were seeking, above all, to take an exact account of the bearing of these events.

I was far from thinking that I should so soon have occasion to examine with you the situation of the Cabinet of Berlin in a question in which it did not appear to be directly interested, and in which no pressing consideration invited it to engage itself. But that Cabinet itself calls us upon this ground, by the arrangement which it has lately concluded with Russia, and of which the Russian Ambassador has made known to me the provisions.

Count Goltz has told me, as Baron Budberg had announced to me on his side, that the object of this Act was to maintain the safety of commercial relations, and to prevent the pillage of the Treasuries of the Customs. The troops of each of the two Powers, in order to attain this object, will respectively be able to pass the common boundary, and to pursue, if necessary, the armed bands on the territory of the other, until they meet with a sufficient national force. The common report now is, that the two Cabinets would equally have come to an agreement to insure to the reinforcements which might be directed upon Warsaw from the Baltic provinces, a passage by the Prussian railroads ; but the communication of M. de Goltz does not authorize me to think that the Convention, signed at St. Petersburgh, contains a clause of this nature explicitly drawn up.

Under the pretext of the interest of the Customs, Sir, it is but too easy to discern the political character of the understanding established. Its nature is sufficiently indicated by the stipulation which opens the frontier to the troops of the two countries, and which implicates, within a circle vaguely defined, a real military co-operation on the part of Prussia. The very existence of a written agreement on this subject is of itself an event of an incontestable gravity, and without entering into the examination of the provisions agreed to by the Cabinet of Berlin, I have not been able to disguise to the Prussian Ambassador the observations which so sudden a resolution suggested to me.

I was recentlp congratulating myself before Count Goltz upon the tranquillity which had not ceased to reign in the Grand Duchy of Posen. The information which I have since then received from our Consulate at Dantzic, those which you yourself transmitted to me, point out to me no symptom of agitation in that province, and I have a difficulty in accounting for the considerations which have been able to determine the Cabinet of Berlin to quit the neutrality which circumstances allowed it to preserve.

The interest of Prussia was, it appears to us, to maintain herself in that attitude of observation, so long as imperious necessities did not oblige her to take up another. The more reserve she had shown, the better would she have succeeded in circumscribing and keeping back the influence which the struggle entered into on the other side of her frontier would be of a nature to exercise over the populations of Posen.

What, on the contrary, can be the effects of the arrangement which the Cabinet of Berlin has concluded, if not to agitate spirits and to excite real dangers where, for the present at least, no serious difficulty existed ?

But in our eyes, M. le Baron, the most grave inconvenience of the resolution taken by Prussia, is in some sort to evoke the Polish question itself. Hitherto, the movements which have taken place have not been encouraged by the principal persons at home and abroad ; they only had the character of an act of resistance against the recruitment ordered by the Russian Government. The insurrection was entirely local ; it remained

concentrated in the provinces of the Kingdom of Poland. By intervening in a manner more or less direct in the conflicts, the Cabinet of Berlin does not only accept the responsibility for the measures of repression adopted by Russia, it awakens the idea of a solidarity between the different populations of ancient Poland. It seems to invite the separate members of that nation to oppose their union to that of the Governments, in a word, to tempt an insurrection really national; and at the same time that it thus throws itself gratuitously into grave embarrassments, it creates a situation which already is a source of uneasiness, and which may become a source of complications for the Cabinets.

The English Government has not yet manifested its sentiments upon this subject; but from what you have told me of the language of the English Ambassador at Berlin, I must suppose that Her Britannic Majesty's Ministers will not appreciate, in a different manner from us, the conduct of Prussia in these conjunctures, and there is every reason to think that the judgment which we have formed upon it will be that of public opinion.

Accept, &c.

(Signed) DROUYN DE LHUYS.

M. Drouyn de Lhuys to the Duc de Montebello.—(Extracted from the "Moniteur" of March 16.)

(Extrait.) *Paris, le 13 Février*, 1863.

LE Gouvernement de Sa Majesté, M. le Duc, soit antérieurement aux événements actuels, soit depuis qu'ils se sont produits, a toujours été guidé par le loyal et sincère désir d'épargner au Cabinet Russe, autant qu'il pourrait dépendre de nous, les embarras inhérents aux affaires de Pologne. Loin de surexciter les esprits, nous n'avons rien négligé pour les calmer. Scrupuleusement fidèles aux devoirs d'un Gouvernement régulier, nous nous sommes inspirés surtout des sentiments d'estime et d'amitié qui président depuis plusieurs années aux rapports des deux Cabinets. Mais la question Polonaise a, plus qu'aucune autre en France, le privilége d'éveiller des sympathies également vives dans tous les partis. Il sont, à cet égard, unanimes; le langage des défenseurs les plus zélés des idées monarchiques et religieuses ne diffère que par des nuances de celui des organes les plus avancés de la démocratie. Que pouvons-nous opposer à des publications qui se placent sur le terrain du droit public et qui ne font qu'en revendiquer les principes les plus incontestés? Non-seulement nous sommes désarmés contre de semblables écrits, mais puisant nous-mêmes notre force dans l'opinion, nous sommes obligés de compter avec des sentiments qui sont depuis de longues années ceux du pays.

Les Représentants de l'Europe assemblés au Congrès de Vienne en subissaient l'impression et l'acceptaient dans une certaine mesure, lorsque, cherchant à réparer les maux de la Pologne, l'un des principaux objets de leur sollicitude, ils plaçaient en tête de l'Acte Général destiné à servir de base au nouveau système politique, les stipulations qui y rattachaient le sort de ce pays.

J'ai dit, au reste, à M. l'Ambassadeur de Russie, que nous observerions fidèlement la conduite que nous nous étions tracée; que nous remplirions loyalement les devoirs qui résultent du caractère amical de nos relations avec le Cabinet de St. Pétersbourg; qu'enfin nous ne cesserions de recommander la modération et de condamner hautement tout ce qui ressemblerait à des procédés ou à des tendances anarchiques et révolutionnaires: mais je n'ai pas caché à M. le Baron de Budberg que, malgré nous, les événements pouvaient devenir de plus en plus embarrassants, que la pression du sentiment public s'imposerait davantage à mesure que les circonstances prendraient plus de gravité, et que nous devions faire des vœux pour que, dans les moyens auxquels le Gouvernement Russe aura recours, rien ne vienne rendre notre position plus difficile vis-à-vis du Cabinet de St. Pétersbourg, de nous-mêmes, et de l'Europe.

Depuis l'avénement de l'Empereur Alexandre, de grands progrès se sont accomplis en Russie. Nous avons été les premiers à y applaudir et à rendre hommage à une politique libérale. Tout ce qui engageait davantage cette Puissance dans les voies de la civilisation moderne la rapprochait de la France et resserrait les liens des deux pays. Nous nous plaisions également à espérer que pour la Pologne, comme pour la Russie, le nouveau règne serait un règne réparateur. Si les espérances que le Cabinet de St. Pétersbourg a laissé concevoir ne se réalisaient pas; si surtout, dans les graves conjonctures qui se présentent, il se mettait en opposition avec cette opinion publique aussi persévérante que les malheurs de la Pologne, il se créerait et nous ferait à nous-mêmes une situation pénible sur laquelle j'ai dû particulièrement m'arrêter avec M. le Baron de Budberg. Vous voudrez bien, M. le Duc, prendre vous-même ces considérations pour règle de votre langage auprès de M. le Prince Gortchakoff. Vous ne lui laisserez point

ignorer des réflexions dont nous ne pouvons nous défendre, ni l'attitude réservée qu'elles nous imposent, et je me plais à espérer qu'il appréciera la franchise de nos explications.

Agréez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

(Extract.) *Paris, February* 13, 1863.

THE Government of His Majesty, M. le Duc, both before and since the production of the events actually taking place, has always been guided by the loyal and sincere desire to spare the Russian Government, as far as might depend upon us, the embarrassment inherent in the affairs of Poland. Far from our exciting the public mind, we have neglected nothing in order to calm it. Scrupulously faithful to the duties of a regular Government, we have above all inspired ourselves with the sentiments of esteem and of friendship which have long presided over the relations of the two Cabinets. But the Polish question has, more than any other in France, the privilege of awakening equally lively sympathy in all parties. In that respect they are unanimous; the language of the most zealous defenders of monarchical and religious ideas only differs by shades from that of the most advanced organs of democracy. What can we oppose to publications which take their stand upon the ground of public right, and which only lay claim to its most incontestable principles? Not only are we disarmed against such writings, but ourselves drawing our strength from the source of public opinion, we are obliged to agree with sentiments which have been for many years those of the country.

The Representatives of Europe assembled at the Congress of Vienna were subject to their influence, and accepted them in a certain measure, when, seeking to remedy the ills of Poland, one of the principal objects of their solicitude, they placed at the head of the General Act destined to serve as a basis for the new political system, the stipulations which attached to it the fate of that country.

For the rest, I told the Russian Ambassador that we should faithfully observe the line of conduct which we had traced out for ourselves; that we should loyally fulfil the duties which result from the amicable character of our relations with the Cabinet of St. Petersburgh. In short, that we should not cease to recommend moderation, and loudly to condemn all that bore a resemblance to anarchical and revolutionary proceedings or tendencies. But I did not conceal from M. de Budberg that, in spite of ourselves, events might become more and more embarrassing, that the pressure of public opinion would become more imposing in proportion as circumstances acquired more gravity, and that we must pray that, in the means which the Russian Government will adopt, nothing may occur to render more difficult our position towards the Cabinet of St. Petersburgh, towards ourselves, and towards Europe.

Since the accession of the Emperor Alexander great progress has been accomplished in Russia. We have been the first to applaud that progress, and to pay homage to a liberal policy. Everything which further engaged that Power in the paths of modern civilisation brought her nearer to France, and tightened the bonds between the two countries. With equal pleasure we hoped that for Poland, as for Russia, the new reign would be a reign of reparation. If the hopes which the Cabinet of St. Petersburgh allowed us to conceive were not realized; if, above all, in the grave conjunctures which are presenting themselves, it placed itself in opposition to that public opinion which is as persevering as the misfortunes of Poland, it would create for itself, and would bring upon us a painful situation, upon which I have had to lay particular stress with M. de Budberg. You will have the goodness, M. le Duc, yourself to adopt these considerations to regulate your language to Prince Gortchakoff. You will not allow him to ignore reflections against which we cannot defend ourselves, nor the reserved attitude which they impose upon us, and it pleases it me to hope that he will appreciate the frankness of our explanations.

Accept, &c.

(Signed) DROUYN DE LHUYS.

M. Drouyn de Lhuys to the Duc de Gramont.—(*Extracted from the "Moniteur" of March* 16.)

(Extrait.)

M. le Duc, *Paris, le* 19 *Février*, 1863.

LE Cabinet de Vienne a calculé les dispositions qu'il était amené à prendre d'après les obligations réelles de sa situation en présence des mouvements qui se sont produits dans les provinces Polonaises de la Russie. Cette agitation ne pouvait manquer d'attirer

l'attention des populations Galiciennes, d'éveiller même leurs sympathies ; mais ces sentiments n'ont provoqué aucun acte d'opposition contre le Gouvernement du pays, ni suscité aucune crainte de manifestations inquiétantes pour l'Autriche. L'intérêt du Cabinet de Vienne était de s'attacher à maintenir à l'insurrection le caractère essentiellement local qu'elle a pris dès le début et conservé jusqu'à présent. Tout en adoptant les mesures qu'il jugeait conformes à ses devoirs internationaux, il avait à éviter d'agiter davantage les esprits en Galicie et d'y faire naître l'idée d'une solidarité des Gouvernements, qui n'aurait d'autre effet peut-être que de généraliser le mouvement des populations. La Cour d'Autriche s'est gardée ainsi de la faute dans laquelle me paraît être tombé le Cabinet de Berlin en signant la Convention de St. Pétersbourg. Elle ne saurait avoir à regretter cette réserve, car au milieu de conjonctures aussi graves et aussi délicates, l'avantage est évidemment pour celui qui conserve la liberté de son jugement et de ses résolutions.

Il est de notoriété que, dans les phases diverses de la question Polonaise, depuis un siècle, l'attitude du Cabinet de Vienne n'a pas été absolument identique à celle de la Russie et de la Prusse. Cette différence n'a point échappé aux populations Polonaises, et elle n'est pas restée sans influence sur leurs dispositions envers l'Autriche.

Agréez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

(Extract.)

M. le Duc, *Paris, February* 19, 1863.

THE Cabinet of Vienna has calculated the arrangements which it was led to make after the real obligations of its situation in presence of the movements which have arisen in the Polish provinces of Russia. This agitation could not fail to attract the attention of the Galician populations, and even to arouse their sympathies; but these sentiments have provoked no act of opposition against the Government of the country, nor excited any fear of manifestations of a nature to render Austria uneasy. The interest of the Cabinet of Vienna was to endeavour to maintain in the insurrection the essentially local character which it took from the beginning, and has preserved until now. While adopting the measures which it deemed to be in conformity with its international duties, it had to avoid further agitating public opinion in Galicia, and giving birth there to the idea of a solidarity of the Governments, which, perhaps, would have no other effect than to generalise the movement of the populations. The Court of Austria has thus escaped from the fault into which the Cabinet of Berlin appears to me to have fallen in signing the Convention of St. Petersburgh. It cannot have to regret that reserve, for, in the midst of conjunctures so grave and so delicate, the advantage is evidently on the side of that man who preserves the liberty of his judgment and of his resolutions.

It is a matter of notoriety that in the various phases of the Polish question for the last century, the attitude of the Cabinet of Vienna has not been absolutely identic with that of Russia and of Prussia. This difference has not escaped the Polish populations, and it has not been without its influence upon their disposition towards Austria.

Accept, &c.

(Signed) DROUYN DE LHUYS.

Circular addressed to French Diplomatic Agents.—(Extracted from the "Moniteur" of March 16.)

Monsieur, *Paris, le* 1 *Mars,* 1863.

LORSQUE les troubles actuels ont éclaté en Pologne, ils n'avaient encore que le caractère d'un acte de résistance à une mesure d'administration intérieure prise dans des conditions anormales. L'état de malaise où se trouvait depuis quelque temps le pays augmentait sans doute la gravité et la portée de cette crise. Elle n'en restait pas moins purement locale avant la signature de la Convention conclue entre la Prusse et la Russie. Mais, devenue l'objet d'un Acte international, la question changeait de nature et les Cabinets étaient appelés à apprécier ces arrangements. Nous n'avons pas tardé à être instruits des dispositions du Gouvernement de Sa Majesté Britannique par les discours des Ministres de la Reine devant le Parlement Anglais, et une communication de la Cour d'Autriche sur son attitude en Galicie nous autorisait à penser que le sentiment de cette Puissance ne s'éloignait pas du nôtre.

Il nous a paru cependant qu'une entente était désirable, préalablement à toute démarche officielle auprès du Gouvernement Prussien. Nous étions persuadés que les observations que les trois Cabinets estimaient légitime et utile de faire parvenir individuellement à Berlin

seraient tout aussi légitimes et plus utiles encore si elles y étaient portées simultanément dans des termes semblables ; qu'un jugement présenté sous cette forme serait plus autorisé ; et qu'enfin la nécessité même d'amener les idées propres à chacune des parties à une expression commune serait une garantie de modération et d'impartialité.

Le Gouvernement de Sa Majesté Britannique n'a pas adhéré à la démarche que nous étions disposés à faire. L'Autriche de son côté, tout en adoptant notre manière de voir, ne s'est pas crue fondée à blâmer officiellement une Convention dont elle s'était bornée d'abord à décliner la solidarité. Dans cet état de choses, le Gouvernement de l'Empereur n'a plus aucune suite à donner à une proposition qui supposait un accord. Nous avons, toutefois, des raisons d'espérer que l'effet produit par la signature de la Convention de St. Pétersbourg ne sera pas entièrement perdu, et que les deux Cours Contractantes tiendront compte de l'unanimité des observations que ces arrangements ont soulevées.

En ce qui nous concerne, nous continuerons à suivre ces événements avec le degré d'intérêt qu'ils sont faits pour inspirer. Nos devoirs à cet égard sont conformes à ceux des autres Grandes Puissances placées dans la même position que nous. Les efforts que nous avons tentés pour que toute démarche des Cabinets fût subordonnée à un accord préalable témoignent d'ailleurs des sentiments que nous portons dans une affaire qui n'implique de notre part ni la recherche d'une politique particulière ni une action isolée.

Recevez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

Sir, *Paris, March* 1, 1863.

WHEN the present troubles broke out in Poland, they had as yet only the character of an act of resistance against a measure of internal administration, adopted under abnormal conditions. The state of uneasiness in which the country had been placed for some time no doubt augmented the gravity and the bearing of this crisis. Nevertheless, it remained purely local before the signing of the Convention concluded between Prussia and Russia. But once become the object of an international act, the question changed its nature, and the Cabinets were called upon to weigh these arrangements. We were speedily informed of the dispositions of the Government of Her Britannic Majesty by the speeches of the Ministers of the Queen before the English Parliament, and a communication from the Court of Austria upon her attitude in Galicia authorized us to believe that the feeling of that Power was not far different from ours.

It appeared to us, however, that an understanding was desirable previous to any official step being taken before the Prussian Government. We were persuaded that the observations which the three Cabinets thought it legitimate and useful to transmit individually to Berlin would be just as legitimate, and still more useful, if they were carried thither simultaneously in similar terms ; that a judgment presented under that form would have more authority ; and, in short, that the very necessity of reducing the particular ideas of each of the parties to a common expression would be a guarantee of moderation and of impartiality.

The Government of Her Britannic Majesty has not assented to the step which we were disposed to take. Austria, on her side, while adopting our opinion, did not think herself justified in officially blaming a Convention of which she had in the first instance confined herself to declining the solidarity. In this state of things the Government of the Emperor can no longer carry out a proposition which supposed an agreement. We have, nevertheless, reason to hope that the effect produced by the signature of the Convention of St. Petersburgh will not be entirely lost, and that the two Contracting Courts will take into account the unanimity of the observations which these arrangements have aroused.

As far as we are concerned, we shall continue to follow these events with the degree of interest which they are of a nature to inspire. Our duties in this respect are in conformity with those of the other Great Powers placed in the same situation as ourselves. The efforts which we have attempted that every step taken by the Cabinets should be made subordinate to a previous agreement bear witness, moreover, to the sentiment which we feel in an affair which on our part implies neither the research of a particular policy nor an isolated action.

Accept, &c.

(Signed) DROUYN DE LHUYS.

No. 96.

*Earl Russell to Lord Bloomfield.**

My Lord, *Foreign Office, March* 17, 1863.

I HAD a long and interesting conversation yesterday with the Austrian Ambassador, Count Apponyi.

He brought me the answer of Count Rechberg to the proposal of Her Majesty's Government that Austria should unite with Great Britain in making representations at St. Petersburgh in favour of a complete fulfilment of the terms of the Treaty of Vienna relating to Poland.

Count Rechberg declines to accede to this request, and considers that it would be inconsistent to do so, after declining the proposition of France in regard to the Russo-Prussian Convention.

The policy of Austria, Count Apponyi says, is not to make any agreement with Russia, for that would indispose the Polish subjects of Austria; but neither, on the other hand, to encourage Polish resistance, for that course might extend the flames of insurrection to the Austrian province of Galicia.

In speaking upon the question, Count Apponyi argued that if the Treaty of Vienna were wholly fulfilled, and if a National Diet and a National Administration were established at Warsaw, the Poles would not be satisfied. Their next object would be to restore an independent Kingdom of Poland; but an independent Kingdom of Polond would require the annexation of its ancient provinces, and, if that policy were successful, Galicia would be lost to Austria. No one could expect that Austria would embark in an enterprize which, in its ultimate result, might deprive her of a rich and tranquil province; she could not be an accomplice in the work of dismembering her own dominions.

I told Count Apponyi that I would speak very plainly to him on this subject:—Russia could only govern Poland in one of two ways. The one was that of the Emperor Nicholas, that of keeping her submissive and degraded; extinguishing her language; compelling her by force to change her religion. This mode was repugnant to all received notions of justice and of clemency.

The other was the mode of Alexander I: protecting her from the hatred and revenge of the Russians, by giving her the guarantee of popular institutions and a local administration entirely separate from that of Russia.

Nothing less would suffice. The late conscription was a proof of it. The law of recruitment of 1859 was a fair and just law; but it was wanting in some formality, and when it suited the despotism of Russia to substitute an arbitrary, unjust, and cruel measure for the equal law which had been proclaimed, there was not a moment's hesitation in doing so. I conceived there was no middle line between a system of oppression and a system of free and just government.

I did not deny, I said, that if Poland were to flourish under such a system aspirations of independence would be entertained, and, perhaps, in fifteen or twenty years, might be gratified; but also I was ready to avow, that comparing the two systems, Her Majesty's Government would greatly prefer immediate peace, and a bright period of justice, happiness, and freedom, with the prospect of ultimate independence and the restoration of a Kingdom of Poland, to a condemnation of Russian Poland to a dark and sullen period of slavery and submission, to be followed, perhaps at no long interval, by a fresh outbreak of hatred and revenge.

Count Apponyi said he understood my views, but Austria conld no t in her position, partake in them.

I am, &c.
(Signed) RUSSELL.

No. 97.

Lord Napier to Earl Russell.—(Received March 18.)

My Lord, *St. Petersburgh, March* 9, 1863.

IN conformity with your Lordship's orders I waited on Prince Gortchakoff this forenoon, and placed in his Excellency's hands your Lordship's despatch of the 2nd instant, embodying the views of Her Majesty's Government in reference to the affairs of Poland.

The Vice-Chancellor first read over your Lordship's despatch in silence. His Excellency then stated that, acting in a spirit of conciliation, he would offer no written

* A similar despatch was addressed to Earl Cowley.

reply to the observations of Her Majesty's Government. He would entrust the duty of conveying his sentiments on this occasion to me, and he would request me to show him the draft of my Report before forwarding it to your Lordship. The Vice-Chancellor also stated his wish to be enabled to submit my record of his expressions to His Majesty the Emperor along with your Lordship's instruction, in order that His Imperial Majesty might have at once a complete view of this exchange of opinions between the two Governments.

To these proposals on the part of the Vice-Chancellor I acceded.

Prince Gortchakoff then read over your Lordship's despatch aloud.

The first and second paragraphs of your Lordship's despatch affirm the deep concern with which Her Majesty's Government contemplate the deplorable condition of Poland at this conjuncture, and the unsatisfactory results which Her Majesty's Government anticipate from the mere triumph of the Russian forces over the parties in arms against the Imperial authority.

Here the Vice-Chancellor remarked that the concern expressed by Her Majesty's Government was more than shared by the Emperor and his Government. The heart of His Imperial Majesty was painfully affected by the effusion of blood contingent on this unhappy revolt, by the diminution of material welfare which is inseparable from civil commotion, and by the contemplation of resentments which might possibly survive these incidents, but for which the Imperial Government could not hold themselves responsible.

The following paragraphs of your Lordship's instruction define the position of Poland in relation to the stipulations of the Treaties of 1815. On this point the Vice-Chancellor reserved his opinion for after-statement. His Excellency proceeded at once to the eighth paragraph of the despatch, in which your Lordship affirms that the immediate cause of the present insurrection was the conscription lately enforced upon the Polish population.

The Vice-Chancellor contended that the recent measure of military recruitment was the pretext, not the provocation, of the revolt. The Polish insurrection, said his Excellency, was the result of a conspiracy deeply laid and widely organized in foreign capitals, from which he could not except London. The explosion had merely been accelerated by the military levy. Of the origin, development, and objects of that conspiracy, the Imperial Cabinet had been well informed. It was a democratic and "anti-social" movement, conceived in the pernicious notions of which Mazzini was the author and the symbol, and in these designs the Poles had been enlisted by flattering their natural illusions, which pointed to very different objects from those which the practical policy of English statesmen regarded—to the severance of Poland from the Russian Crown, to national independence, to the restoration of the limits of 1772. Far from being the cause of the present outbreak, the military recruitment had been undertaken in order to avert it and all the calamities which had ensued upon it, to remove the inveterate promoters of disturbance, and to open a fair course for the benevolent measures projected by the Emperor. The insurrection had only included the mechanics of the towns, the indigent nobles and the rustic clergy. The landed proprietors and great nobility had collected for security under the guns of the citadel of Warsaw; the peasantry were decidedly on the side of Government, moved by a sense of the benefits which the Imperial Government had conferred on their order, and disgusted by the exactions imposed upon them by the roving bands of marauding insurgents. Some of the upper classes might, indeed, join in the patriotic delusions of national restoration in its ancient boundaries, but their eyes only remained sealed to the absurdity of such expectations in consequence of the countenance given to them by foreign Governments. Some of these persons might take part in the movement, but the Governments which afforded such countenance would hereafter regret the results of a policy which could only enlarge the circle of suffering and misfortune.

Reverting to the previous paragraphs of your Lordship's despatch respecting the position of Poland under the Treaties of Vienna, and associating them with the subsequent passages in which your Lordship sets forth the motives and claims of Great Britain to interfere as one of the signing Parties to these engagements, the Vice-Chancellor expressed himself as follows:

Laying open the Treaty of Vienna, his Excellency pointed to that passage in Article I by which it is stipulated that the national institutions to be accorded to the several members of the Polish nation shall be regulated by the form of political existence which their respective Governments shall judge it to be useful and convenient to grant to them.

Here I called the attention of the Vice-Chancellor to the use of the term "representation," as well as that of "national institutions."

The Vice-Chancellor resumed. His Excellency remarked that under this Article the Russian Government remained the absolute arbiter of the form in which the representation and national institutions of Poland should be framed. The Emperor Alexander I, using his indisputable prerogative in a liberal and even in an enthusiastic sense, had, some time after the conclusion of the Treaty referred to, spontaneously granted to the Kingdom of Poland a Representative Constitution which had not proved consistent with the peace and welfare either of Poland or Russia. That Constitution had never been imparted to foreign Powers as involving the execution of international engagements. We all know under what circumstances it had perished. What the Emperor Alexander did in the plenitude of his power, his successor in the exercise of the same power could revoke. The present Emperor, ever faithful to the principles of government which he applied in Russia, had applied these principles in Poland too, and perhaps in a larger measure than had been granted in any other portion of his dominions. The political Constitution proclaimed in Poland in the year 1861 embodied a complete autonomy,—national institutions with a modified representation adapted to the form of political existence in force under the Imperial Government. Poland was now ruled by institutions purely Polish. There was a directing Minister, a Pole, entertaining national sentiments of the most decided character; a Council of Administration composed of Poles; a Council of State containing Poles taken from the several ecclesiastical and civil orders of the community, and embodying some representative elements, in which general laws for the welfare of the kingdom were elaborated; there were Provincial, District, and Municipal Councils in descending order, all purely elective, charged with the local and material interests of the country. This national representation was not cast in the same mould as that which was designed by the Emperor Alexander, or that which existed in England, but it formed, nevertheless, a system of national and representative institutions adapted to the condition of Poland and its relations with Russia. Her Majesty's Government, composed of practical Statesmen, the representatives of a practical nation, would not surely contend that there was only one valid and useful form of political institutions equally applicable to all countries, that, namely, which existed in England, and which was successful there. Nor would Her Majesty's Government, which professed non-intervention as the rule of their foreign policy, deviate from that principle now by interfering in the domestic concerns of another State. The Kingdom of Poland enjoyed an absolute administrative independence. Even the Department for Polish Affairs in the Russian capital had been abolished. The only institution common to the two countries now was the army. The new institutions granted to Poland, alluded to above, opened a wide field of activity and material prosperity to the country. But this was not all. The Imperial Government, in restoring the educational establishments of the kingdom, had offered to the people the resources of intellectual culture and satisfaction. If to these institutions we added the guarantee by which they were all preserved, the personal character of the Emperor, who cherished an equal solicitude for the good of all his subjects, we should have a sufficient security for the future welfare of Poland, though the scheme might exclude that peculiar form of Representative Government applied in Great Britain, and perhaps exclusively appropriate to its condition.

With reference to the rights of England in relation to the affairs of Poland, under the Treaty of Vienna, the Vice-Chancellor remarked that he had little to say on this occasion; that question had been fully and ably discussed in the correspondence which had passed between Her Majesty's Government and the Imperial Cabinet after the Revolution of 1831. To that correspondence he begged to refer your Lordship.

In regard to the amnesty recommended by Her Majesty's Government, the Vice-Chancellor observed that a prompt and unconditional pardon could not be granted to those who were actually in arms against the authority of the Emperor. The friendly character which Her Majesty's Government had given to their representations justified him, however, in spontaneously stating that it had always been the intention of the Emperor to grant a large measure of amnesty to his revolted subjects after the cessation of resistance, excluding only the principal authors of a movement which had caused so many calamities in the kingdom.

In the course of this conversation I did not consider it to be my duty to enter at large upon any controversial matter with the Vice-Chancellor. I did, however, offer two reflections to his Excellency in the way of reservation, which I trust will be found consistent with the views of Her Majesty's Government.

When the Vice-Chancellor spoke of the plenitude of power which had been exercised by the Emperor Alexander I, and which had been transmitted unimpaired to His Majesty's successor, I remarked that, in my opinion, and in that (I believed) of my Government, the power of the Russian Sovereign in regard to Poland could only be justly exerted within

the limits, and in conformity with the prescriptions, of the Treaty of Vienna. When his Excellency appeared to claim the silence of England on the ground of the principle of non-intervention professed by Her Majesty's Government, I contended that this principle could not be invoked here, for Her Majesty's Government did not here raise their voice in a question regarding exclusively the internal concerns of a foreign country, but in a question of an interior nature, with reference to which that foreign country had contracted engagements towards Great Britain; engagements which, in our opinion, had never been annulled.

In commenting upon these observations, Prince Gortchakoff again referred to the terms of the Treaty of Vienna, which had constituted each of the three Powers concerned in Poland, the absolute arbiter of the form of national institutions to be conferred on the portion of that country brought under its sway. His Excellency also reminded me that, desiring to deal with this question in a humane and conciliatory spirit, he had abstained from using the argument which was at his command, the argument of the right of the conqueror. After the insurrection of 1830, any limitation of the absolute authority of Russia which might have previously existed had lapsed. The Poles had engaged in hostilities against Russia. They had been subdued by force of arms. The power of Russia had been established on a new basis.

The Vice-Chancellor concluded by saying that it had been free to him to accept my communication, to reserve the rights of his Sovereign, and to abstain from all discussion on this subject. Her Majesty's Government had, however, unequivocally declared that their communication was conceived in a most friendly spirit towards Russia; accepting this declaration, he had responded to the reflections of your Lordship, and in the course which he had taken he desired that your Lordship would recognize a proof of the amicable sentiments by which he was animated towards Her Majesty's Government.

I have, &c.
(Signed) NAPIER.

No. 98.

Lord Napier to Earl Russell.—(Received March 18.)

My Lord, *St. Petersburgh, March* 11, 1863.

IN conformity with Prince Gortchakoff's wishes I submitted the draft of my despatch of the 9th instant, relative to the affairs of Poland, to his Excellency on the evening of the 9th instant. The Vice-Chancellor suggested a few omissions, to which I acceded. The report, as it now stands, contains an authentic record of his Excellency's expressions on this occasion. The despatch, having been copied out, was shown to His Majesty the Emperor yesterday morning, but I pointed out to Prince Gortchakoff that I was not enabled to furnish his Excellency with a copy of it at present.

I have, &c.
(Signed) NAPIER.

No. 99.

Lord Napier to Earl Russell.—(Received March 18.)

My Lord, *St. Petersburgh, March* 11, 1863.

WHEN Prince Gortchakoff was at my house last evening an opportunity offered itself for the exchange of some reflections on the events now passing in Poland. I took occasion to say to the Prince, that in speaking of an amnesty I did not suppose Her Majesty's Government pointed to a summary and unconditional pardon of all persons in arms against Government, whatever their conduct might be; but surely an offer to receive into the free pardon of the Emperor all persons who should come in by a certain date would give to many an opportunity of withdrawing from the contest, and be worthy the generous character of the Emperor.

The Vice-Chancellor replied that the Government was certainly now in a position to make an overture without any imputation of weakness. He could not say that it would be done, but the expediency of such an act was certainly worthy of consideration.

I have, &c.
(Signed) NAPIER.

No. 100.

Sir A. Buchanan to Earl Russell.—(*Received March* 18.)

(Extract.) *Berlin, March* 16, 1863.

THE Russian Minister stated to me this morning that he had received an official report from Warsaw last night of a body of 1000 insurgents having been attacked and defeated near Plock, with the loss of their leader, and he added that the only important corps now in arms is that of Langiewicz, which had lately been increased by the "débris" of others which had been already defeated.

M. d'Oubril said this corps was now moving towards the North-West, and that military measures were being taken for its dispersion, which would, he felt assured, prove successful; and it might therefore be hoped that the insurrection would very soon merely consist of a few bands of outlaws, living upon plunder, who were afraid to return to their homes.

No. 101.

Earl Cowley to Earl Russell.—(*Received March* 18.)

(Extract.) *Paris, March* 16, 1863.

I PROCEED to give your Lordship some details of a conversation which I had with M. Drouyn de Lhuys on Polish affairs.

I repeated what I had said to him previously to my departure for London, that it had been impossible for Her Majesty's Government to entertain his Excellency's proposal in respect to an identic note to be addressed to the Prussian Government, because, while it placed, however justly, the conduct of Prussia in a reprehensible light, it left the greater culprit comparatively free of blame. Her Majesty's Government had considered themselves obliged to address themselves to both the Russian and Prussian Governments.

M. Drouyn de Lhuys said that had Her Majesty's Government proposed to France an identic representation to both the Russian and Prussian Governments it would have been agreed to. But this incident, he continued, had been settled, and he was happy to express his concurrence in the suggestion of Her Majesty's Government—which had been communicated to him by Mr. Grey—that the Powers who signed the Treaty of Vienna should advise Russia to observe the stipulations which that Treaty contained in regard to Poland. But in his opinion this advice, to be of any use, must be given collectively, and he feared that neither Austria, Prussia, nor Spain would be inclined to take a collective step.

I said that so far as I could judge from the conversation which I had had with your Lordship, although I must not be considered as giving any official assurance, your Lordship would not be disinclined to take some step in concert with the French and other Governments, provided it were clearly understood that if it failed in producing any effect upon the Russian Government, Great Britain would be at perfect liberty to desist from further interference. Austria and Prussia, I observed, might decline taking any part in a collective step, but if asked to support at St. Petersburgh a friendly appeal on the part of Her Majesty's and of the Imperial Government in favour of a due regard to the stipulations of the Treaty of Vienna, they could hardly refuse. M. Drouyn de Lhuys replied that this would in itself be a great point gained.

No. 102.

Earl Cowley to Earl Russell.—(*Received March* 19.)

My Lord, *Paris, March* 18, 1863.

I ASKED M. Drouyn de Lhuys this afternoon whether, since he approved the step taken by Her Majesty's Government with reference to the affairs of Poland towards the Powers parties to the Treaty of Vienna, he had acted in a similar manner. His Excellency said that he had desired the French Representatives resident at the Courts of those Powers to express the readiness of the Imperial Government to join in a collective representation to be made to the Cabinet of St. Petersburgh. France has already said separately all that she could say. Any further representation to be of use must be collective.

I have, &c.

(Signed) COWLEY.

No. 103.

Sir J. Hudson to Earl Russell.—(Received March 19.)

(Extract.) *Turin, March 15, 1863.*

THE party, so called, of "Action," has recently been busy in getting up public meetings in favour of Poland, and such meetings have been held in most of the principal cities of Italy, where they have been conducted with order and propriety, and within the limits prescribed by law.

No. 104.

*Earl Russell to Earl Cowley.**

(Extract.) *Foreign Office, March 21, 1863.*

IT is important that your Lordship should be enabled to judge correctly the attitude taken by Austria, during the late discussions upon the affairs of Poland.

Three despatches have been read to me at different times by Count Apponyi. The first of these despatches was a despatch addressed by Count Rechberg to Count Apponyi. It was limited to an explanation of the position taken by Austria in respect to the insurrection which had broken out in the Polish Provinces of Russia bordering on Galicia. The action of Austria, Count Rechberg stated, was confined to an exact fulfilment of international obligations, as defined by Treaties and by the law of nations. Austria, while scrupulously performing all that duty enjoined, had declined to extend by any new Convention her engagements towards Russia. She had not listened to overtures from Prussia in this sense.

The second despatch was addressed by Count Rechberg to Prince Metternich at Paris. A copy of this despatch was forwarded to London, and was read to me by Count Apponyi.

The French Government having asked the Austrian Government to join them in a representation at Berlin against the Russo-Prussian Convention on Polish affairs, and having communicated a project of note embodying their views, Count Rechberg on the 27th of February addressed a despatch to Prince Metternich, in which, while approving the language and sentiments of the French note, he declined to join in the proposed communication, on the ground of the exceptional position of Austria in respect of the general principles of her policy, and her special interests in the Polish question.

He stated that the Austrian Government considered the Convention inopportune, and regretted its conclusion, but that they felt bound to consider whether they could openly remonstrate against it at Berlin without departing from the principles which they had always hitheto proclaimed, and giving their sanction by implication to the adoption of the principle of non-intervention in international questions, against which they had invariably protested.

With regard to the special interests of Austria, Count Rechberg said that although the Austrian Government had no intention of taking active measures so long as the insurrection was confined to Russian Poland, they could not ignore the existence of revolutionary elements, which were only awaiting a favourable opportunity to extend their action to Galicia.

Notwithstanding the calmness and wisdom shown by the Polish subjects of the Emperor, which the Austrian Government were glad to acknowledge, they would not, even indirectly, encourage national aspirations incompatible with the maintenance of their rule.

France and England, not being restrained by any such considerations, might safely declare sympathies which the care of her own interests forbade Austria to express; and, looking impartially at her position, those two Powers must acknowledge that she could not act in concert with them, without compromising the advantages which she had derived from her reserved attitude.

Hopes must not be raised which were not intended to be realized, or expectations excited which would afterwards have to be repressed, and it would be the height of imprudence to arouse aspirations in Galicia by holding out to the Poles a prospect destitute of reality.

The demonstration which the French Government proposed to make at Berlin, however mitigated in form, might have results greater than were intended, and might provoke agitations which the Austrian Government might be compelled to repress by acts which they had hitherto been able to avoid.

The Austrian Government, moreover, could hardly now pronounce a condemnation of

* A similar despatch was addressed to Lord Napier.

the Convention, seeing that they had replied by a simple refusal to the overtures that were made to them from Berlin to accede to it.

In reply to confidential observations, which the French Ambassador was instructed to make to Count Rechberg, as to the advantages likely to accrue to Austria from the contrast between her conduct to the Poles and that of Prussia and Russia, his Excellency remarked that if the Polish subjects of the Emperor of Austria were to be expected to appreciate the real advantages which they enjoyed, they must not be encouraged in illusions whose empty attraction would make them indifferent to the benefits which they derived from their position. The Austrian Government would, on that account, be most unwilling prematurely to raise questions and eventualities which did not yet seem near at hand.

With reference to the allusion made by the French Government to the possibility of recalling the Russian Government to the performance of the stipulations of 1815 in regard to the Kingdom of Poland, Count Rechberg observed that a step in that direction might produce results still more serious than the present complications.

It was doubtful if the Court of St. Petersburgh would be disposed to accept friendly representations, and a more serious invitation would be a measure of such gravity that it could not be resorted to without the maturest deliberation.

Count Rechberg thought it unnecessary to examine an eventuality which was only casually alluded to by M. Drouyn de Lhuys, but he added that the principle of a return to the strict performance of Treaties was one the advantages of which had always been proclaimed by Austria, but which required a general application, and must not be limited only to the stipulations of 1815 respecting Poland.

Passing over this delicate subject, and looking upon the proposal of the French Government as one which did not relate to eventualities, Count Rechberg stated that after a conscientious examination of the advantages and disadvantages of the proposed co-operation, he had submitted the result to the Emperor, who had decided that the attitude adopted by the Imperial Government should be persisted in, as the one most in accordance with the interests of the Empire.

Count Rechberg concluded with an expression of regret that the Austrian Government had not been able to take advantage of this opportunity to prove their desire to act in concert with France and England in great questions of European policy.

The third despatch was addressed to Count Apponyi, and was an answer to the despatch addressed by me to Lord Bloomfield inviting the co-operation of Austria at St. Petersburgh, in making friendly representations to Russia on the ground of the Treaty of 1815 in respect to Poland.

After recapitulating my despatches to Lord Napier and Lord Bloomfield, Count Rechberg states that without discussing the views of the English Cabinet, or the opportunity of the measure in which they had invited the Austrian Government to participate, he expressed to Lord Bloomfield the regret of the Imperial Government at not being able to offer to Great Britain a co-operation such as that proposed.

The motives which guided this decision on the part of the Imperial Government are, says Count Rechberg, "so obvious and imperative that they cannot fail to be appreciated by Her Britannic Majesty's Government."

His Excellency then refers to the answer which he lately gave to the French proposal for joint action at Berlin in the affairs of Poland, in which he believes that he showed with sufficient clearness the reasons which impose upon Austria a special attitude of prudence and reserve in face of the events now passing in Poland.

It would be mere repetition to reiterate all the arguments which were brought forward to prove to the French Government the absolute impossibility of any deviation on the part of Austria from the line of conduct which she has hitherto followed with the general approbation of Europe. The Austrian Government believe that they have taken into account the dictates of humanity as well as their international obligations, and they flatter themselves that by their attitude they contribute to all that the interests of Europe and of the public peace can require. Austria, moreover, has special interests to protect, which are too seriously affected by everything that concerns Poland to allow her to follow England and France in all her manifestations in favour of Polish nationality.

Adverting again to the terms of his despatch to Prince Metternich, Count Rechberg states that the objections in it which are founded on this class of ideas ("fondées sur cet ordre d'idées") apply equally to the step which I have proposed to Austria to take, and he adds that I cannot wonder if the Austrian Government persevere in the attitude which they marked out for themselves from the first.

Count Rechberg concludes by saying that he thinks it right to add one more observation. No one is more interested than Austria in seeing an end put to a deplorable state of

things, which is a constant menace to the security of her own territory. But past experience, the events of 1831, and the well-known aspirations of the leaders of the Polish movement, make it doubtful whether the measures which I recommend the Government of the Emperor Alexander to adopt are sufficient entirely to pacify Poland, to satisfy its inhabitants, and fulfil the wishes of those who are now in arms.

No. 105.

Lord Bloomfield to Earl Russell.—(*Received March* 23.)

My Lord, *Vienna, March* 19, 1863.

I HAVE the honour to inform your Lordship that Prince Metternich is still here, and that Count Rechberg will not be sorry if he stays some days longer, as he desires before his return to Paris that he should completely understand the feelings of the Imperial Government on the subject of Poland. His Excellency has assured me again to-day that the policy of Austria has undergone no modification, and he seems satisfied that it is that best adapted to the present interests of the Empire.

He said that it appeared also to be generally appreciated by foreign Governments, and that whatever happened he should always bear in mind the general interests of peace.

His Excellency added that he should send Count Apponyi a short despatch by the present messenger respecting Prince Metternich's visit to Vienna, informing him that the policy of the Austrian Government is unchanged.

I have, &c.
(Signed) BLOOMFIELD.

No. 106.

Lord Bloomfield to Earl Russell.—(*Received March* 23.)

My Lord, *Vienna, March* 19, 1863.

MUCH has been said of the want of discipline amongst the Russian troops in Poland, and to the almost total disregard of the authority of the officers are attributed most of the frightful massacres that are each day reported in the newspapers.

Details of some of these proceedings have appeared in the "Fremden Blatt" of to-day, and I forward the article in original, with a translation by Mr. Barrington, and beg leave more particularly to draw your Lordship's attention to it, as allusion is made to the circumstances connected with the barbarous treatment of Mr. Finkenstin.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 106.

Extract from the "Fremden Blatt" of March 19, 1863.

(Translation.)

EVENTS IN POLAND.—Letters from Podolia state that the revolution there is a *fait accompli*. Several thousand men, armed with every species of weapon, have assembled at Bar, and fresh reinforcements are continually coming in. This fact, coupled with what has occurred in Volhynia, proves that, notwithstanding the great difficulty of communication with Central Poland ("Kongress Polen"), and the interrupted communication between village and village, and district and district, the insurrection is ever gaining renewed strength. The Russian authorities have ordered the peasants to arm themselves with scythes and guard the high road. In answer to this the insurgents have, in many places, proclaimed the emancipation of the peasants, but long habit and the influence of the schismatic Greek priests render this class still but slightly favourable to the insurrection. The Russian garrisons in the towns of Podolia are very weak; there are, on the whole, not more than two regiments of Infantry, here and there a few detachments of Cossacks, and not much Artillery. The Government has had all the moneys transported from the provincial towns to Kamienico. A proclamation is circulating among the rural population, drawn up in the dialect of Little Russia, which is a sort of instruction to the peasants, especially to the chief persons among them, wherein they are reminded of the Imperial favour, and are called upon to keep an eye upon the officials, the nobility, and the priests. They are to report all they see or hear to the gendarmes.

No news of importance from the seat of war is sent to the "Czas" (a Polish newspaper), but many reports are current of acts of violence committed by the Russian military. On the 16th, according to the "Czas," a small division of the Smolenski Regiment, with a troop of Cossacks and Dragoons, attacked the village of Giebultow, one German mile distant from Miechow, the property of Ladislaus Bielski. The soldiers took twelve persons from the manor-house ("Edelhof") and massacred them behind the village. Three, amongst them Severin Mieszkowski, were at once killed; nine were mortally wounded. A certain Wiescolowski received several deep bayonet wounds, and was brought in this state to Cracow.

After the massacre the soldiers plundered the bodies, and left the wounded to their fate, supposing them to be dead. In the meanwhile another lot plundered the manor-house, the owner of which had taken timely to flight. It was not till late that the colonel appeared and put a stop to the pillage. On the appearance of a Polish column the Russians withdrew, and the wounded were then brought to Cracow under the protection of the insurgents. About the same time another frightful scene occurred not far from Giebultow. Louis Finkenstin, a British subject, provided with a passport of Lord Russell's, issued on the 27th of March, 1862, was travelling across the frontier at Baran, on the 14th instant, in order to make a purchase of corn at Miechow. At the village of Gorka, not far from Giebultow, he was stopped by soldiers and taken before their Commander. No arms being found upon him, the Major gave him an escort and sent him on to Szachnowskoj. He had to pass the night on his carriage, and a subaltern ("Junker") was ordered to protect him against the men. During the night several wounded Poles were brought in. On it being known that the Poles were approaching, the soldiers demanded that the prisoners should be killed. The officer resisted this pistol in hand, but it was in vain. With the cry of hurrah! the soldiers fell upon the unarmed persons and killed several. Finkenstin, dragged from his carriage by the hair, received twenty-six bayonet-wounds, and was robbed of 5,800 silver roubles and of all he had. When the Poles came up, Langiewicz caused Finkenstin, at his own request, to be brought to Cracow.

No. 107.

Sir A. Malet to Earl Russell.—(*Received March* 23.)

My Lord, *Frankfort, March* 21, 1863.

A STRONG persuasion is expressed in the best-informed quarters here, that the refusal of Her Majesty's Government to concur in the collective steps proposed by the French Cabinet in the Polish question has been the means of averting a perilous crisis, threatening the peace of Europe.

In reference to the same question I hear the conduct of Prussia universally condemned, and the policy of Austria as generally approved throughout Southern Germany.

I have, &c.
(Signed) A. MALET.

No. 108.

Earl Cowley to Earl Russell.—(*Received March* 23.)

My Lord, *Paris, March* 22, 1863.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Moniteur" of this day, a letter from the Emperor to M. Billault approving his late speech on Poland.

I have, &c.
For Earl Cowley,
(Signed) J. W. ELLIS.

Inclosure in No. 108.

Extract from the "Moniteur" of March 22, 1863.

Paris, le 21 Mars, 1863.

L'EMPEREUR vient d'adresser à son Excellence M. Billault, Ministre sans portefeuille, la lettre suivante :—

"Mon cher M. Billault,

"Je viens de lire votre discours, et comme toujours j'ai été heureux de trouver en vous un interprète si fidèle et si éloquent de ma politique. Vous avez su concilier l'expression de nos sympathies pour une cause chère à la France avec les égards dûs à des Souverains et à des Gouvernements étrangers. Vos paroles ont été sur tous les points conformes à ma pensée et je repousse toute autre interprétation de mes sentiments. Croyez à ma sincère amitié.

(Signé) "NAPOLEON."

(Translation.)

THE Emperor has addressed the following letter to M. Billault, Minister without Portfolio :—

"M. dear M. Billault,

"I have just read your speech, and I have been happy to find you to be, as you always are, so faithful and eloquent an interpreter of my policy. You have known how to combine the expression of our sympathies for a cause which is dear to France with the respect which is due to foreign Sovereigns and Governments. Your language has on all points conformed to my thoughts, and I disclaim any other interpretation of my sentiments. Believe in my sincere friendship.

(Signed) "NAPOLEON."

No. 109.

Sir H. Howard to Earl Russell.—(Received March 23.)

(Extract.) *Hanover, March 20, 1863.*

IT would be impertinent on my part were I to pretend to transmit to your Lordship from hence any information of a novel character relative to the intentions of the Russian Government in respect to Poland. I will therefore only mention that, according to despatches which Count Platen has received from St. Petersburgh, the Emperor of Russia is willing to restore the political institutions which Poland enjoyed under the Emperor Alexander I, with the exception, however, of a national army; but that he objects to doing so until the Polish insurrection is suppressed.

Count Platen does not believe that the restoration of the Polish Constitution, as it existed before the events of 1830, would satisfy the Poles, because they look, for the most part, to the reconstruction of the ancient Kingdom of Poland, with the provinces detached from it by the several partitions; but he considers that it would tranquillize public feeling in Europe, and that a great object would be attained, if the Polish question were thus to be divested of its European character; for he sees great dangers to the peace of Europe in the continuance of the present struggle in Poland, and of the excitement on the subject of it which is its consequence in other European countries.

His Excellency is, however, of opinion that the formation of a separate Polish army, as was granted by the Emperor Alexander I, would be incompatible with the existence of the Russian dominion in Poland.

No. 110.

Sir J. Crampton to Earl Russell.—(Received March 26.)

My Lord, *Madrid, March 22, 1863.*

I HAVE the honour to inclose the copy of a note which has been addressed to me by the Marquis of Miraflores upon the subject of Poland, containing the copy of a despatch addressed by his Excellency to the Spanish Representative at St. Petersburgh, stating the views of the Spanish Government respecting the present state of affairs in that country for communication to Prince Gortchakoff.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 110.

The Marquis of Miraflores to Sir J. Crampton.

Muy Señor mio, *Palacio*, 21 *de Marzo*, 1863.

DESPUES de tomar las ordenes de Su Magestad me complazco en poder dar á V.S. una contestacion acerca del contenido del despacho que su Excelencia el Señor Ministro de Relaciones Esteriores del Reyno Unido de la Gran Bretaña e Irlanda ha dirigido á V.S. con fecha 4 del corriente, y del cual se ha servido darme comunicacion confidencial, así como de la copia del despacho que el mismo Señor Secretario de Estado dirigió al Embajador de Su Magestad Británica en San Petersburgo con fecha 2 del mismo mes.

El importante objeto contenido en ambos documentos se reduce en primer lugar al deseo manifestado por el Gobierno de Su Magestad Británica de que él de la Reyna mi Señora diriga al Gabinete de San Petersburgo algunas observaciones acerca de la cuestion de Polonia, análogas á las que el Gabinete de Londres le habia espuesto en su comunicacion al Embajador Inglés en San Petersburgo.

Sobre este punto me es en estremo grato poder manifestar á V.S. que las simpatias del Gobierno de Su Magestad no faltarán nunca al pueblo Polaco, no es posible tampoco que España deje de tomar parte en el interés que la triste suerte de aquel pays inspira á las Potencias Occidentales, interés que respecto á España aumenta en gran manera la mancomunidad de principios religiosos.

En cuanto á dirigirse al Gobierno Ruso sobre tan grave y complicada cuestion, invocando los compromisos que contrajó por los Tratados de 1815, y esponiendo los derechos al mismo tiempo que los deberes que resultan para él de aquellos Pactos internacionales, el Gobierno de Su Magestad encuentra en semejante paso inconvenientes superiores á las ventajas que podrian resultar de invocar titulos en gran manera debilitados por acontecimientos pasados ya á la categoría de los hechos consumados.

Por esta razon el Gobierno de la Reyna juzga que en el estado actual de la cuestion de Polonia, semejante lengua podría esponernos á una respuesta por parte de Rusia que en vez de contribuir á la deseada conciliacion haría mas dificil una solucion pacifica.

Si todas las Potencias signatarias de los Tratados de 1815 tratasen de celebrar Conferencias por medio de sus Representantes, ó establecen comunicaciones diplomaticas con objeto de dirigirse colectivamente al Gabinete de San Petersburgo, España tomaria desde luego parte en ellas, y no se apartaria probablemente de la accion comun ; pero toda indicacion aislada será en nuestro sentir necesariamente infructuosa ó espuesta á conflictos poco ápropósito para hacer eficaces los sinceros deseos de todos, encaminados á impedir cualquier motivo de desacuerdo y diferencia que pudiese contribuir, poco ó mucho, más ó ménos tarde, á alterar la paz y la armonía que afortunadamente existen hoy en Europa.

Adjunta hallará V.S. copia del despacho que acerca de esto asunto dirigó con fecha de hoy al Encargado de Negocios de Su Magestad en San Petersburgo, y cuyo contenido, inspirado por las ideas que acabo de esponer á V.S., espero llenará los deseos dal Gobierno de Su Magestad Británica.

(Firmado) EL MARQUES DE MIRAFLORES.

(Translation.)

Sir, *Palace*, *March* 21, 1863.

AFTER taking the orders of Her Majesty, it is with pleasure that I am enabled to give you a reply in regard to the contents of the despatch which his Excellency the Minister for Foreign Affairs of the United Kingdom of Great Britain and Ireland, dated the 4th instant, which, as well as the copy of the despatch which the said Secretary of State addressed to Her Britannic Majesty's Ambassador in St. Petersburgh, dated the 2nd instant, you were so good as to communicate to me confidentially.

The important object contemplated by both documents is restricted, in the first place, to the wish expressed by Her Britannic Majesty's Government that the Government of the Queen my Sovereign should address to the Cabinet of St. Petersburgh some observations in regard to the question of Poland similar to those which the Cabinet of London had submitted to it in their communication to the English Ambassador at St. Petersburgh.

Upon this point it is extremely gratifying to me to be enabled to state to you that the sympathies of Her Majesty's Government will never be wanting to the Polish nation, nor is it possible either that Spain should fail to take a share in the interest which the sad fate of that country inspires in the Western Powers, an interest which, in respect to Spain, is greatly increased by the community of religious principles.

In regard to addressing the Russian Government upon so serious and complicated a question, by an appeal to the engagements which that Government contracted by the

Treaties of 1815, and a statement of the rights as well as the duties which arise for it out of those international compacts, Her Majesty's Government see in such a step difficulties greater than the advantages which could spring from invoking instruments that have become much weakened by events which have already become matters of history.

For this reason the Government of the Queen are of opinion that, in the present state of the question of Poland, such language might expose us to a reply on the part of Russia, which, instead of contributing to the wished for conciliation, would make a pacific solution more difficult.

If all the Powers who signed the Treaties of 1815 were to take steps for holding Conferences by means of their Representatives, or were to set on foot diplomatic communications with a view to addressing the Cabinet of St. Petersburgh collectively, Spain would at once take part in them, and would probably not withdraw from the joint action; but any isolated representation would in our opinion be necessarily fruitless, or would involve the risk of conflicting views but little calculated to give efficacy to the sincere wishes of all, tending as they do to obviate any grounds of disagreement or difference which might contribute, much or little, sooner or later, to disturb the peace and harmony at present fortunately existing in Europe.

You will find inclosed a copy of the despatch in reference to this subject, which I address under this day's date to Her Majesty's Chargé d'Affaires in St. Petersburgh, and the contents of which, dictated as they are by the ideas which I have now submitted to you will, I trust, fulfil the desires of Her Britannic Majesty's Government.

I avail, &c.

(Signed) THE MARQUIS OF MIRAFLORES.

Inclosure 2 in No. 110.

The Marquis of Miraflores to the Spanish Chargé d'Affaires at St. Petersburgh.

Madrid, 21 *de Marzo de* 1863.

APENAS han llegado á conocimiento de Su Magestad, oficial ó confidencialmente, las observaciones muy amistosas que de parte de algunas Potencias aliadas suyas han sido dirigidas al Gabinete de San Petersburgo, relativas á interesarse amistosamente en favor de la Polonia,—pays de antigua historia y de propia nacionalidad, pero que hoy pertenece su soberania por titulos respetables y legitimos á Rusia, la que contrajó por ellos serias obligaciones y adquirió derechos consignados en los Tratados,—tomó en seria consideracion las indicaciones que se le hicieron por parte del Gobierno de Su Magestad Británica.

Mas de presente han se levantado en Polonia una resistencia mas ó menos popular, pero seriamente grave, y en tales circunstancias Su Magestad cree, y lo cree tambien su Gobierno, podria ser util hacer oir al Gabinete de San Petersburgo la voz amiga de España, no para dar consejos, que la sabiduria del Emperador no necesita, sino para dirigirle amistosas observaciones hijas de su esperiencia en materia de revueltas politicas.

El Gobierno de Su Magestad la Reyna deplora amargamente que la impaciencia de Polonia la haga no esperar á que la sabiduria del Emperador y su prudente provision y conocimiento del siglo y de la epoca actual llegase á seguir, como parecia dispuesto á ello, en favor de los Polacos el sistema de reformas comenzadas en Rusia, reformas tan profundas y esenciales que llegan hasta la alteracion de las condiciones sociales del Imperio en la gran cuestion de la emancipacion de los siervos, reconociendo en este la fuerza suprema de las ideas del siglo decimonono.

Tambien deplora Su Magestad con no menos interés que hayan llegado las cosas al duro trance y al doloroso espectaculo de ver cruzarse las armas entre Rusos y Polacos en vez de estrechar entre si vinculos de union amistosa; pero al mismo tiempo la esperiencia que Su Magestad ha adquirido en épocas de triste recordacion, de que las contiendas civiles se apagan mas utilmente con moderacion, lenidad, y templanza, que con rigor y severidad empleados contra los que en último resultado tienen la condicion de subditos, y que un poco antes ó despues vienen á reconocer su estravio, impelen al Gobierno de la Reyna á emplear su amistosa palabra pidiendo á Su Magestad Imperial indulgencia, y á los que fuesen vencedores humanidad y templanza.

Tales son los deseos humanitarios de Su Magestad, y me manda prevenir á V.S. dé lectura de este despacho al Principe Gortchakoff, y le entregue copia si el Principe la desease.

De Real orden lo digo á V.S. con el objeto espresado.

Dios, &c. (Firmado) EL MARQUES DE MIRAFLORES.

(Translation.)

Madrid, March 21, 1863.

NO sooner was Her Majesty made aware, officially or confidentially, with the very friendly observations which have been addressed on the part of some of the Powers her allies to the Cabinet of St. Petersburgh, relative to their interesting themselves in a friendly manner on behalf of Poland,—a country with an ancient history and a nationality of its own, but the sovereignty of which now belongs by honourable and legitimate titles to Russia, who, under them, has contracted serious obligations, and has acquired rights recorded in Treaties,—than Her Majesty took into serious consideration the suggestions which have been made to her by Her Britannic Majesty's Government.

Moreover, at the present moment a resistance of a more or less popular character, but of serious importance, has arisen in Poland; and under these circumstances Her Majesty believes, and her Government also believe, that it might be advantageous to cause the friendly voice of Spain to reach the ears of the Cabinet of St. Petersburgh, not for the purpose of offering advice, which the wisdom of the Emperor does not require, but in order to make the friendly observations which their own experience in the matter of political disturbances suggests.

The Government of Her Majesty the Queen deeply lament that the impatience of Poland should have caused her not to wait till the wisdom of the Emperor, and his prudent foresight and knowledge of the present age and period, should lead him to pursue, as he appeared disposed to do, in favour of the Poles, the system of reforms commenced in Russia—reforms so profound and essential that they reach even to the alteration of the social conditions of the Empire, in the great question of the emancipation of the serfs, and recognize herein the supreme force of the ideas of the nineteenth century.

Her Majesty also deplores no less sincerely that things have reached so sharp a crisis as that the painful spectacle is presented of Russians and Poles engaged in armed encounters, instead of drawing closer the bonds of friendly union; but at the same time the experience which Her Majesty has acquired during periods painful to remember, to the effect that civil contests are more efficaciously extinguished by moderation, lenity, and temperance, than by rigour and severity displayed against those who, after all, enjoy the character of subjects, and who, a little sooner or a little later, end by acknowledging their error, impels the Government of the Queen to employ their friendly influence in requesting of His Imperial Majesty indulgence, and of those who may be victors, humanity and moderation.

Such are the humane desires of Her Majesty; and she commands me to desire you to read this despatch to Prince Gortchakoff, and to give him a copy of it should he so desire.

I state this to you by Royal order for the purpose above named.

God preserve, &c. (Signed) THE MARQUIS OF MIRAFLORES.

No. 111.

Lord Bloomfield to Earl Russell.—(Received March 26.)

My Lord, *Vienna, March* 23, 1863.

UP to the present time no official account has been published by the Austrian Government respecting the arrival of General Langiewicz on Austrian territory, but a letter has appeared in the "Ost Deutsche Post" of this morning, containing some details, which, if true, are not without interest.

I inclose, for your Lordship's information, the letter in question, accompanied with a précis by Mr. Barrington.

I have, &c.

(Signed) BLOOMFIELD.

Inclosure in No. 111.

Extract from the "Ost Deutsche Post" of March 23, 1863.

(Translation.) *Tarnow, March* 21, 1863.

THE Russian troops having advanced in force, Langiewicz had retreated along the line of the Vistula, where it forms the Austrian frontier. The Russians, about 9,000 strong, made an attack in three columns on the insurgents, who numbered about 10,000 men.

Fighting continued during the 17th, 18th, and 19th, along the bank of the Vistula between Niepolomice and Tarnow, but the corps commanded by Langiewicz was early defeated. The latter, seeing the uselessness of further bloodshed, escaped into Austrian territory, and on the evening of the 19th arrived at Uscie-Jesnickie. He there represented himself as being called Waligorski, and asked the Imperial Commander Bassler whether he would be allowed to continue his journey unmolested. On being told that this request could not be granted without express permission from the higher authorities, he finally declared himself, and placed himself under the protection of the Austrian Government.

On the morning of the 20th Langiewicz was brought to Tarnow in a carriage escorted by four hussars, and in accordance with telegraphic orders received from Lemberg he was to have left for that place at 1 P.M. By mid-day he was at the station, and the whole of Tarnow had turned out to see him.

Langiewicz had his female Adjutant, who is the daughter of a Russian General, with him, and he took two first-class tickets for Lemberg, paying for them in napoleons. Just before the departure of the train, however, a telegram arrived from Lemberg to stop Langiewicz.

He is now staying at the Hotel de Cracovie, and has a guard consisting of an officer and fourteen men, which is destined less for the security of his person than for keeping off the immense crowds of townspeople.

The Colonel of the Imperial Regiment of Dragoons visited Langiewicz, who requested him to have other visitors kept at a distance. Langiewicz considers the whole cause as lost.

Tarnow is full of fugitive insurgents, most of whom possess cards of legitimation.* According to current report here, the superior officers, as well as the leaders, appear to be provided with passports.

Yesterday and to-day, about eighty wounded insurgents, many of them quite boys, were brought in, and placed in the military and civil hospitals. There is no appearance of any uniform, each one being dressed according to fancy. Those insurgents who have come over the frontier unprovided with papers are to be sent to Iglau by the mid-day train to-day. There are seventy or eighty of them in all. Not one brought any arms with him, unless two cuirasses can be reckoned in this category.

Langiewicz and his Adjutant are dressed in the Polish national costume. According to Langiewicz not a third part of his force had arms.

It is said here that Colonel Rochebrunne was engaged in the battle ; that he also took refuge on Austrian soil, and that he arrived yesterday in Cracow. He, too, is supposed to think that it is all up with Polish affairs.

Report says that 2,000 more insurgents will cross over the Vistula. Some wounded Russians are expected here to-morrow. More than 40 insurgents went by the early train this morning to Cracow, a few taking first-class and all the rest second-class tickets, which they mostly paid for in roubles. It is not yet known for certain where Langiewicz will be taken.

Last night at 11, the Adjutant of Lieute ant-General Bamberg arrived from Cracow.

No. 112.

Earl Cowley to Earl Russell.—(*Received March* 26.)

My Lord, *Paris, March* 25, 1863.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Moniteur" of this day, a denial of the report that Russian troops had crossed the Prussian frontier.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 112.

Extract from "Moniteur" of March 25, 1863.

CERTAINS journaux persistent à affirmer le passage d'une colonne de troupes Russes sur le territoire Prussien, bien que cette nouvelle ait été déclarée inexacte par les dépêches qui sont parvenues depuis.

MM. les Ambassadeurs de Prusse et de Russie ont d'ailleurs communiqué au Ministre

* A paper testifying the identity of the bearer.

des Affaires Etrangères des informations précises qui constatent que cette nouvelle est dénuée de fondement.

(Translation.)

CERTAIN journals persist in affirming that a column of Russian troops has passed over Prussian territory, although it has been contradicted by subsequent despatches.

The Ambassadors of Prussia and Russia have also communicated to the Minister of Foreign Affairs accurate information which proves that the above news is unfounded.

No. 113.

Earl Russell to Earl Cowley.

(Extract.) *Foreign Office, March* 27, 1863.

HER Majesty's Government are quite ready, in answer to overtures made to me yesterday by Baron Gros on the part of his Government, to make a representation to the Court of Russia on the part of Great Britain, Austria, and France, on the subject of Poland.

No. 114.

Colonel Stanton to Earl Russell.—(*Received March* 28.)

My Lord, *Warsaw, March* 21, 1863.

IN my despatch of the 7th instant, I had the honour to forward to your Lordship some remarks on the strength of the Russian army serving in the Kingdom of Poland, but since that date, having become possessed of some further data from which to judge of the forces engaged, I have now the honour to forward to your Lordship an amended report of the same which I have every reason to believe to be substantially correct, although I am unable to guarantee the correctness of the figures.

The army at present employed within the Kingdom of Poland, or on the march to join this army, and immediately close to the frontiers of the Kingdom, may be briefly stated to consist of about 95,000 Infantry, 12,000 Regular Cavalry, 10,000 Cossacks, and 8,000 Artillery with about 200 guns, and is composed of the following divisions, viz., one division of Infantry of the Guard; one Division of Grenadiers of the Guard *en route* and expected to reach this town by the 28th instant; portions of both the 1st and 2nd Infantry Divisions, the remainder of these Divisions being in the Province of Lithuania or close to the Polish frontier; the whole of the 4th, 5th, 6th, 7th, and 8th Divisions of Infantry, the latter Division having been moved into the Kingdom from Volhynia; two Regiments of Cavalry of the Guard; two Regiments of Dragoons; five Regiments of Hussars; five Regiments of Lancers; fourteen Regiments of Cossacks: each Infantry Division having a Brigade of Artillery attached, and Horse Artillery being attached to the Cavalry Brigades.

The whole of the troops composing this imposing force are well armed (the Infantry having been supplied with rifle muskets), and well equipped, and are apparently in a high state of discipline, though the reports that are received of their conduct in the field does not confirm this, but on the contrary leads to the belief that the officers have in general very little control over the soldiers under their command.

It appears, my Lord, an astonishing fact, that with such a force at the disposal of the Government there should have been only about 12,000 men hitherto allotted to the Government of Radom, the chief seat and stronghold of the insurrection, and out of this force garrisons have to be supplied for the towns of Radom, Petrikau, Chenstochow, Kielce, Opochno, Miechow, and Olkusz, thus reducing the actual force available for the field by about one-half; and to this may in a great measure be attributed the successes that have hitherto been gained by the insurgents under Langiewicz, who without sufficient arms or ammunition for the men under his command, has succeeded in evading the columns sent against him, and has continued to maintain himself in the wooded and hilly portions of this district, keeping at the same time his communications open with the Austrian frontier of Gallicia.

To the failure of the troops in obtaining any important successes in this district, and to the activity and ability shown by the insurgent Chief, may, I believe, my Lord, be traced the increased importance of the insurrectionary movement, and the whole hope of

the outbreak appears to depend on the fate of the force under this Chief, as although the insurrection exists in all parts of the kingdom and the troops are constantly harassed by the appearance of small bands where least expected, the force under Langiewicz may be considered as the nucleus of the National Army, and any serious disaster to this force would be proportionately felt throughout the kingdom.

At present, my Lord, the largest available force in the field on the side of the Government is in the Province of Lublin, where large reinforcements have been received from Volhynia, probably with a view to watch the Austrian frontier, but it may also be supposed that as these reinforcements reach their destination, the force in the Government of Radom will be increased in sufficient numbers to allow of their taking the field in such force as to render the position of Langiewicz most difficult, unless he can succeed in obtaining a supply of arms and ammunition to enable him to increase the force under his command in proportion. He will have no difficulty in procuring men, but arms and ammunition are not so easily procured.

I have, &c.
(Signed) EDWD. STANTON.

No. 115.

Colonel Stanton to Earl Russell.—(Received March 28.)

(Extract.) *Warsaw, March* 21, 1863.

I HAD the honour to report to your Lordship on the 13th instant the resignation of the Central National Committee, and the nomination of Langiewicz as Dictator of Poland.

This step on the part of the leaders of the insurrection may, I believe, my Lord, be looked upon as having been taken for the purpose of proving to the rest of Europe that the insurrection is now a national movement, and to show that the assertions of the Russian Government, that it is merely the act of the Revolutionary party in Europe, are not correct; as well as from the desire to rally openly to the national standard the nobles and others of the Moderate party in the kingdom, who have hitherto kept aloof, from the disinclination of declaring themselves for an unknown programme, but who are at the same time known to be ready to declare themselves as soon as a favourable opportunity for so doing may present itself. And the withdrawal of Mieroslawski from the movement must also be considered as having been decided upon in deference to the views of the Moderate party in the kingdom.

The most important event since the date of my last despatches to your Lordship is, my Lord, in my opinion, the position that has been taken by the Archbishop of Warsaw. This Prelate, since his nomination to the high post of Head of the Polish Church, has exerted himself most energetically in favour of the Government, and by so doing has become most unpopular with his clergy; and the resignation of his post as Councillor of State in the present crisis was all the more unpalatable to the Government as it was unexpected. It is now stated on good authority that as his resignation has not been accepted by the Grand Duke, his Grace has addressed a letter to His Majesty the Emperor, which he has forwarded through His Imperial Highness, and in which the grievances of the Poles are set forth in strong language, as well as the insufficiency of the reforms heretofore granted to pacify the country; and appealing to the well-known high sentiments of His Majesty to grant such concessions to this distracted country as shall stop the present effusion of blood.

The resignation of the independent members of the Council of State has been followed by a similar step on the part of the Municipal Council of this town, though such a measure cannot be considered as of any great importance from the nature of the duties of the Council in question, but it adds further evidence to the general want of confidence in the Government of the country.

The resignation of office of the Marshals of Nobility in Lithuania is also announced, and the spread of the agitation in the old Polish Provinces appears on the increase.

In the meantime, my Lord, whilst all Poles are eagerly watching for symptoms of the manner in which the Western Powers are likely to act in the present emergency, the insurrection in the kingdom itself appears to be making further progress; and although nothing certain is known of the position of Langiewicz, it appears undoubted that he has now a better armed and organized force under his immediate command than at any previous period, and although this force is justly considered the mainstay of the National movement, the action of the National party in other portions of the kingdom is as active as ever, and

small bands exist in all parts of the country, disputing their ground when necessary with the detachments of the Imperial troops sent against them, even within a few miles of the town of Warsaw.

It is impossible for me to give your Lordship any decided or positive information of the movements of these various bands, but it appears to me, my Lord, that the position of the Russians is far from improving, and that unless more ability and energy is shown by the officers in command of the Imperial troops than has hitherto been the case, the insurrection may continue unsubdued for months, even though unsupported by other Powers; and that if the Poles had the means of procuring arms and ammunition in sufficient quantities to arm their volunteers, the army now engaged in the suppression of this insurrection, large as it is, would be barely sufficient for the purpose.

No. 116.

Colonel Stanton to Earl Russell.—(*Received March* 28.)

My Lord, *Warsaw, March* 22, 1863.

INFORMATION has been received here from Galicia, from an Austrian source, that Langiewicz having suffered a severe defeat has passed into Austrian territory, where he has been arrested, that he is now confined in the citadel of Cracow, and that large numbers of insurgents have passed into the Austrian territory, crossing the Vistula, closely pursued to the frontier by the Russian troops.

The report in question states that Langiewicz passed the frontier with a passport under the name of Waligorski, but no details of the matter are known to me, nor have any accounts of the operations that led to his defeat hitherto been made known, and as yet, although the intelligence comes from an official source, it does not appear certain that the individual arrested as Langiewicz is the Dictator himself, and the identity is still strongly denied by the Poles. It certainly, my Lord, is strange that if so important a success has been obtained over the insurgents by the Imperial troops, as to force large numbers of them over the frontier, including the Chief himself, no official report or notification of such a success should have been made by the officer in command of the Russian troops, especially when it is considered that even the most trifling skirmishes have been deemed worthy of such notice; and it may also be remarked that the last authentic intelligence received from that part of the country gave the position of Langiewicz at many miles from the Austrian frontier.

Should, my Lord, this report prove to be correct, it must be considered as a severe blow to the Polish cause, independently of the defeat itself, as although Langiewicz has probably only been put forward as Dictator for the purpose of concealing the true names of the guiding heads of the insurrection, his defeat may give occasion to intrigues to place Mieroslawski at the head of the movement, which, if successful, must take from the insurrection its present national features, and prevent all combined action with the moderate party in the kingdom, as well as alienate the sympathies of the general opponents of revolution in the rest of Europe, who now may be inclined to look with favour on the Polish movement.

It is impossible as yet, my Lord, to state what effect the news of this defeat may produce on the Poles in general, as, until the details of the affair are known, no conjecture can even be made as to the real position of the opposing parties, and it would, therefore, be premature to attempt to draw any conclusion until the report receives further confirmation; but I may state to your Lordship that the exasperation of both parties at present is so great that, although in the event of the report being fully confirmed, it may appear a favourable moment for the declaration of an amnesty and for promises of further concessions, it is to be feared the Poles themselves would refuse to lay down their arms, unless induced to do so by some stronger guarantee for their liberties than the promises of the Imperial Government.

I have, &c.
(Signed) EDWD. STANTON.

No. 117.

Colonel Stanton to Earl Russell.—(*Received March* 28.)

My Lord, *Warsaw, March* 24, 1863.

ALTHOUGH no Russian bulletin giving any details of the late operations in the Government of Radom, that appear to have resulted in the dispersal of the insurgent forces under Langiewicz, have been as yet published, the reports that have come from other quarters confirm the main incidents already reported to your Lordship, though at the same time they tend to diminish their importance in a political sense.

From these, my Lord, it would appear that Langiewicz, considering his presence necessary in other parts of the kingdom, probably in the Government of Lublin, had requested permission from the Austrian frontier authorities to be allowed to pass unmolested; that this permission having been refused, he attempted to accomplish his object, provided with a passport under a false name, but was arrested, and has been conveyed to Cracow.

From the same reports, my Lord, it appears that on the 17th instant Langiewicz left the town of Chrobierz, crossed the River Uida, burning the bridge behind him, and marched in the direction of the town of Busk; that a slight engagement took place in the afternoon, but the insurgents were able to continue their march. On the 18th instant they took up a position in a wooded country at Grochowiska, on the road to Pinczow, where a serious engagement took place, the insurgents having been attacked on the flank by a column of troops moving from Stopnica, as well as by the troops in their front. The Poles claim to have remained masters of the field; but, fearing the arrival of further reinforcements to the Russians, retired in the night to the village of Welki, a distance of about three English miles.

Here a Council of war was called, which resulted in Langiewicz dividing his forces into two corps, and appointing Smiechowski and Ozachowski to their command; he then issued a Proclamation to his army, a translation of which I have the honour to forward to your Lordship herewith, and on the 19th instant left for the Austrian frontier, where he was arrested as above reported.

The band under Smiechowski left Welki on the 19th, marching by Wislica to Koszyce, where he appears to have been routed, and his band forced across the frontier of Gallicia; and an Austrian report that reached Warsaw on the 23rd instant states that a force of 1,300 men, with two guns had passed into Gallicia, and been disarmed, which may probably be the remains of this force.

The band under Ozachowski, about 2,000 strong, is supposed to have gone in a northerly direction, but nothing is known of their movements.

The Austrian Government appear to have ascertained that Langiewicz is a Prussian subject, but I am unable to state whether the inquiries that have been made on his account have anything to do with his future treatment.

I have, &c.

(Signed) EDWD. STANTON.

Inclosure in No. 117.

Proclamation issued by Langiewicz previous to his Departure from the Camp at Welki.

Brave and faithful companions,

MY office as Dictator requires my attention to various civil and military matters, and to the strengthening of our numerous bands fighting the Muscovite in other portions of the country, all of which require a better organization.

This necessity forces me to leave your ranks for a short time, those ranks in which I have been since the first night of the insurrection. I had hoped not to have been forced to leave you without sharing in a fresh victory; for this reason I sought a battle near Miechow; I stopped at Chrobierz, and fought the bloody encounter of Grochowiska.

I do not take leave of you. The objects of my journey requiring secresy, I cannot tell you whither I am directing my course. I take with me several officers to supply other detachments with commanders. Thirty lancers will accompany me as an escort, and will afterwards return to the camp. I have divided my corps in two parts with distinct commanders, and I have given instructions to these.

We have all sworn to fight. I shall keep my promise, companions, and expect obedience on your part, and a faithful service to the cause of our country.

We will continue to fight Russia in the name of the Almighty until we obtain the liberty and independence of our country.

(Signed) M. LANGIEWICZ.

No. 118.

Sir A. Buchanan to Earl Russell.—(*Received March* 28.)

(Extract.) *Berlin, March* 26, 1863.

THE reports received by the Prussian Government represent the state of affairs at Warsaw to be extremely complicated, in consequence of the state of isolation in which the Marquis Wielopolski is now placed. The Grand Duke, it is said, continues to have confidence in his Excellency, but the Poles and Russians are equally dissatisfied with him. I am also told that the Prussian Government believe the party to be increasing at St. Petersburgh, who are disposed to grant extreme concessions to Poland, and, if necessary, complete independence.

The Russian Minister has received intelligence to-day of three corps of insurgents having been defeated, of which one had come from Galicia, and another consisted principally of Poles from the Grand Duchy of Posen who had served in the Prussian army.

M. de Bismarck complains of two English steamers, the "Gipsey Queen" and the "Ward Jackson," having sailed from London for the coast of Prussia with arms and ammunition for the Polish insurgents.

No. 119.

Earl Cowley to Earl Russell.—(*Received March* 28.)

(Extract.) *Paris, March* 27, 1863.

M. DROUYN DE LHUYS, whom I saw this afternoon, informs me that your Lordship concurs in the opinion expressed in a despatch which his Excellency addressed to Baron Gros the day before yesterday, that an effort should be made to induce the Austrian Government to join in a collective step with a view of calling the attention of the Cabinet of St. Petersburgh to the state of Poland, and the consequences which result from it.

M. Drouyn de Lhuys, in expressing his satisfaction at the identity of opinion existing between the two Governments on this question, said that he had already spoken to Prince Metternich, and instructed the Duc de Grammont in this sense, but that he was afraid that some hesitation still held the Austrian Government in check.

No. 120.

Lord Bloomfield to Earl Russell.—(*Received March* 30.)

My Lord, *Vienna, March* 26, 1863.

I INQUIRED yesterday of Count Rechberg if General Langiewicz, who I heard had been removed to the citadel of Cracow, was kept under restraint. His Excellency replied that he was not sorry to be in a place of safety, for such was the fury of the Polish democratic party against him, that he had requested a guard for his personal security, and that sixteen men had been supplied for this service. Count Rechberg said that Langiewicz would probably not remain long at Cracow, but that it was yet undecided where he should take up his residence: Brünn in Moravia had been thought of. He would enjoy perfect liberty and be left on his parole until the insurrection was over, and an amnesty published; which he heard from M. Balabine, and also from Prince Gortchakoff, would probably be done at the earliest possible moment.

I asked if any communication had arrived from St. Petersburgh as to Langiewicz. Count Rechberg answered that Prince Gortchakoff had inquired if the Austrian Government were satisfied as to his identity, and on learning that they were so, he expressed the hope that Langiewicz would be watched, and kept in a place of safety until the insurrectionary movement was over.

From Prussia there have been no inquiries addressed to the Imperial Government, and he hopes no questions will be addressed to him as to Langiewicz; he does not expect

either Government will raise the question of delivering him up. Austria would not consent to do so, and both at Berlin and St. Petersburgh they appear satisfied at the conduct of the Imperial Government.

I asked Count Rechberg if he thought the insurrection would soon be quelled. He replied that he did not think it would last much longer; the Austrian frontiers were covered with refugees, and the differences and jealousies between the Polish Chiefs would facilitate the military operations of Russia.

His Excellency added that it had been reported to him that Langiewicz's own opinion was that the insurrection was fast expiring; that in fact there were no materials for success, no arms, no sufficient military organization; and that it was hardly to be expected that men not half drilled, and scarcely armed, could withstand an attack of regular troops; that to have continued such an unequal contest would have been unjustifiable, and could only end in a useless sacrifice of human life.

I have, &c.
(Signed) BLOOMFIELD.

No. 121.

Sir H. Howard to Earl Russell.—(*Received March* 30.)

My Lord. *Hanover, March* 28, 1863.

THE Prusso-Russian Convention concerning Poland may, it is to be hoped, now be said to belong to history, of which it will not form a bright page.

Nevertheless, I ought not, perhaps, to omit to mention that about a week ago, Prince Ysenburg, the Prussian Envoy at this Court, received a circular despatch from M. de Bismarck, which is destined to serve as a guide for his language on that subject.

I have not seen the despatch, because Prince Ysenburg said he was not at liberty to communicate it to anybody, but I have learnt from him that in it M. de Bismarck calls attention to the exaggerated impressions which prevailed abroad concerning the alleged Convention; states that the instrument is not a Convention, but only an agreement; that it will not now be carried out and may be considered as a dead letter; and that explanations, which have proved satisfactory, have been given to Her Majesty's Government.

I have, &c.
(Signed) HENRY F. HOWARD.

No. 122.

Sir J. Hudson to Earl Russell.—(*Received March* .)

My Lord, *Turin, March* 25, 1863.

I HAVE the honour to report to your Lordship that, in obedience to your instructions, I read to Count Pasolini your despatch of the 4th instant, upon the deplorable acts of violence of which Poland is now the scene; and I stated to him that, in the opinion of Her Majesty's Government, a communication of similar views by the Representatives at St. Petersburgh of the Powers who were parties to the Treaty of June 1815, would tend to the cessation of bloodshed, and to the enjoyment by the people of Poland of those rights which were promised them at Vienna, and which have been so long withheld from them.

Count Pasolini said that the King's Government had been greatly moved by the lamentable scenes of violence recently acted in Poland; and that it had considered it incumbent upon it, as one of the parties to the Treaty of June 1815, to make known at St. Petersburgh its opinion upon these melancholy events; and that on the 8th instant he had addressed a representation upon this subject to the King's Minister at St. Petersburgh very much in the sense of your Lordship's despatch; and further, that he had instructed the Marquis d'Azeglio to explain in detail to your Lordship the language held and the steps taken by the King's Government on this occasion.

I have, &c.
(Signed) JAMES HUDSON.

No. 123.

Sir J. Hudson to Earl Russell.—(Received March 31.)

(Extract.) *Turin, March 28, 1863.*

A SPEECH delivered in the Chamber of Deputies, on the evening of the 26th instant, by the Italian Minister for Foreign Affairs, the Chevalier Visconti Venosta, upon the subject of the petitions which had been addressed to the House by various cities in Italy in favour of Poland, was listened to with attention, and the House cheered the Minister when he sat down.

The debate was adjourned at midnight, till the usual afternoon session next day, when the House almost unanimously voted the order of the day (proposed by the Committee named by the House to examine and report upon those petitions), which was to the following effect:—

"The House, convinced that the King's Government will not fail to take the most opportune and efficacious measures in favour of Poland, transmits the petitions to the Minister for Foreign Affairs and passes to the order of the day."

No. 124.

Earl Russell to Earl Cowley.

(Extract.) *Foreign Office, April 4, 1863.*

I HAVE to state that Count Apponyi came to me yesterday by appointment, and read to me two despatches, the one addressed to himself, the other intended for the Austrian Chargé d'Affaires at St. Petersburgh.*

To the beginning of the projected despatch to St. Petersburgh, and to the part which relates to the position of Austria in reference to Galicia, the Governments of England and France have nothing to say.

But the latter part appears to Her Majesty's Government very important. It shadows forth ulterior consequences which, according to the present views of the Russian Government, are too likely to be realized. These consequences, it is declared, may be calamitous to all Europe, and the conflicts which may then be revived may give rise, it is said, to complications to be regretted.

Her Majesty's Government could hardly ask the Austrian Government, with their interests so much engaged in a Polish province, to go farther.

No. 125.

Sir A. Magenis to Earl Russell.—(Received April 6.)

My Lord, *Lisbon, March 21, 1863.*

IN obedience to the instructions contained in your Lordship's despatch of the 4th instant, I availed myself yesterday of the first opportunity which offered after its receipt on the 14th, to communicate to the Duke de Loulé that despatch, as well as the copy of the despatch which you had addressed to Her Majesty's Ambassador at St. Petersburgh on the 2nd instant which was inclosed in it, stating the course which, in the opinion of Her Majesty's Government, the Russian Government ought to adopt to put an end to the lamentable state of things at present existing in the Kingdom of Poland, and to satisfy European opinion.

I stated to his Excellency that, in the opinion of Her Majesty's Government, a communication of similar views by the Representative of Portugal, as one of the Powers who were parties to the Treaty of Vienna of 1815, at St. Petersburgh, would tend to the cessation of bloodshed, and to the re-establishment in Poland of those rights which were promised to its inhabitants at Vienna, and which had been so long withheld from them.

I found that the Duke de Loulé was quite prepared by the despatches of Count Lavradio for the communication which I made to him; and he added that the French Minister, who had seen him a few minutes before myself, had stated that his Government was aware that I was to make a communication on the subject, and had instructed him to give it his best support.

The Duke de Loulé at once concurred in your Lordship's suggestion, without loss of time, to address a communication to the Portuguese Minister at St. Petersburgh in the same sense as your Lordship's despatch of the 2nd instant to Lord Napier.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

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* See No. 133.

No. 126.

Sir A. Magenis to Earl Russell.—(*Received April* 6.)

My Lord, *Lisbon, March* 25, 1863.

WITH reference to my communication of your Lordship's despatch of the 2nd instant to Her Majesty's Ambassador at St. Petersburgh respecting the present state of affairs in the Kingdom of Poland, to the Portuguese Minister for Foreign Affairs, as reported in my despatch of the 21st instant, I have the honour to inform your Lordship that M. Cazal Ribeiro, who was Minister for Foreign Affairs in 1860, addressed a question on the 23rd instant, in the Chamber of Deputies, to the Duke de Loulé as to the course the Government meant to pursue with respect to Poland.

The Duke replied to this question by alluding to my verbal communication to him, the day before, of your Lordship's despatch, and expressed the strongest sympathy for the cause of Poland, which he declared be "sacred." The whole debate expresses so strongly the sympathy of the Chamber for Poland, that I inclose a short translation of what passed on that occasion.

I have, &c.
(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 126.

Summary of Proceedings in Portuguese Chamber of Deputies with respect to Poland, March 23, 1863.

UPON M. Cazal Ribeiro saying that as the Duke of Loulé was present, he would like to hear what he had to say respecting Poland, the President of the Council (Duke of Loulé) replied that he had come on purpose to the Chamber in order to satisfy the wishes of the illustrious Deputy.

When this question was announced on the 21st instant, the Government had not as yet received any communication on the subject in question; but subsequently Her Britannic Majesty's Minister had verbally informed him that the British Government had addressed a communication to His Majesty the Emperor of Russia for re-establishing the stipulations of the Treaty of Vienna of 1815; and that it would be very desirable that all the Powers who signed that Treaty should also address the same request.

That the Government had replied in the affirmative, because it thought that the cause of Poland was so sacred, and has attracted so much sympathy that none of the said Powers will fail to assume that position in the matter which it is their duty to assume.

That it was also the intention of the Goverment to inform the Chamber of this affair, in the hope that it would give the Government a vote of approval in order that its proceedings might have greater force and weight.

M. Cazal Ribeiro thanked the Duke for his prompt reply, and expressed his entire assent to the views of the Government, which would, he trusted, inform the Chamber of any further proceedings in this question, and he declared with pleasure that the Government will only meet with one opinion on this subject, so great is the sympathy which the state of Poland inspires.

M. Pereira Dios moved the following Resolution, which was approved and voted unanimously:—

"I propose that it should be inserted in the journals that the Chamber received the statements made by the Minister for Foreign Affairs on the subject of the affairs of Poland with pleasure and satisfaction."

No. 127.

Mr. Jerningham to Earl Russell.—(*Received April* 6.)

(Extract.) *Stockholm, March* 30, 1863.

DURING the last week or ten days, considerable sensation has been caused here by the arrival from Vienna of Prince Constantine Czartoriski, nephew of the late Prince Adam, who has been cordially received both by the Sovereign and the people, having had the honour of dining with His Majesty, and having been invited to a public dinner at the Exchange, composed of some 200 persons of all classes, when the utmost enthusiasm

prevailed, and when the Prince delivered an eloquent and fervid address, as your Lordship will see by the inclosed account taken from the "Afton-bladet" journal.

Your Lordship will also perceive that Prince Czartoriski disclaimed all pretension to any armed intervention for the Polish cause, aspiring merely to moral support and encouragement, a tone which Count Manderström tells me that the Prince has likewise adopted in conversing with him.

How long he is to remain I have not been able to learn, but it is said that he will visit Copenhagen.

On arriving here Prince Czartoriski paid a formal visit to Count Paar, the Austrian Minister, but it was not by him that he was presented to the King.

I have also the honour to inclose a translation of an appeal to the public, signed by Members of the Diet, in favour of subscriptions on behalf of the Poles.

Inclosure 1 in No. 127.

Précis of an Article in the "Afton Bladet" of March 28, 1863.

(Translation.)

THE banquet which the "Committe for the Poles" instituted in this capital had arranged in honour of Prince Constantine Czartoriski took place yesterday at the Exchange, under the presidency of the Chairman of the Committee, Baron A. C. Raab.

The number of guests was as large as the locale would hold, namely, above 200 persons. Among them there were remarked several of the leading members of the House of Nobles, about one-half of the Burgher Chamber, and a considerable number of the members of the Peasant Chamber, as well as the President of the latter Assembly.

There was but one member of the Clerical Chamber, and even that member was not in holy orders.

Moreover, there were the Secretaries of the "Committee of the Constitution" and of the "Committee of the Laws," several of the most influential members of the Stockholm Exchange, a number of persons holding superior and subordinate offices under Government, members of the Academy of Science, and of the Academy of the Liberal Arts and Sciences, as well as other scientific men, artists, and authors. It was, on the whole, a very large meeting of citizens belonging to all grades and classes.

In the course of the dinner Baron Raab, the Chairman, rose to propose the King's health, in a speech remarkable for the loyalty of its expressions and for its spirited description of the advantages which Sweden had, from the earliest times, derived from those feelings of attachment to liberty, and to their King and country, which its inhabitants had shown. The toast was drunk with enthusiasm, and popular songs were sung, in which the whole company joined.

M. P. R. Tersmeden then gave the health of the Prince in a speech delivered in French, and in which he gave a sketch of the services of the family of Czartoriski in the cause of Polish independence.

To this speech the Prince replied in the following terms:—

"Gentlemen,—The first step I took on Swedish ground (when the steamer, on board of which I was, stopped at Ystad) was greeted with the shout of 'Long life to Poland!' This was a happy omen, amd when the volunteer corps assembled there, pressed my hand, I felt I was among a people who were really capable of constancy in friendship. Ever since that moment the friendly reception accorded to me has not abated an instant. In the palace of the King as in the cottage of the peasant the welcome I have received has everywhere been equally warm, kind, and open-hearted.

"The friendly words which have just been expressed on behalf of myself and my family furnish me with an opportunity of publicly recording here the gratitude I feel for the friendly reception I have met with in Sweden. Be assured, Gentlemen, that all these assurances of sympathy will find the warmest response in Poland, and it is in the name of my countrymen that I offer you my thanks from the depth of my heart."

General Hazelius then gave a toast for Poland in an eloquent speech, which was followed by deafening cheers of "Long live the Poles!" the orchestra striking up the Polish National Hymn, "Czas con Polski." Swedish words had been set to this hymn and distributed among the company, who all sung it in chorus.

Prince Czartoriski then responded to the toast as follows:—

"Gentlemen,—I deeply regret that I do not understand your fine-sounding language, otherwise I should have been able to appreciate better, and answer more appropriately, the words in which a highly respected Swede has given the toast for my beloved country.

"But from the very tone of the speaker's voice, and from the enthusiastic applause

with which you have greeted the name of Poland, uttered with so much noble warmth, I gather both what are the speaker's and your feelings for the Polish nation, and I thank you from my inmost heart for those feelings and for the manner in which they have been expressed here.

"A century nearly has passed away since the division of Poland was commenced; but in spite of the lapse of time, in spite of Siberia, of the Caucasus, of the knout, of imprisonment and exile, the feeling of independence has never for one moment abated in Poland.

"The generation now living was born in thraldom or in a foreign land. Notwithstanding this, it has preserved a pure and unmixed feeling of patriotism which nothing has been able to shake, and which can never be extinguished until the last Pole has shed his last drop of blood. (Loud applause.)

"The whole world knows what Poland has suffered. It has been a long martyrdom, and through that martyrdom Poland has assuredly expiated her past errors. (Yes! yes!)

"Three times did Poland believe that her hour of freedom was at hand; three times did she attempt to shake off the oppressive yoke of barbarians: but never did she lose courage, never did she doubt the justice of her cause, never did she mistrust the future, although each fresh defeat entailed fresh persecutions, and the yoke became more galling, the tyranny more unbearable. The nation bowed its head, called on God to hasten the hour of deliverance, and bore all with patience and resignation.

"But everything in this world has its limit; and the Polish nation, driven to the uttermost bounds of persecution, has risen as one man once more, with no other arms but its despair,—with no other support but its rights. It would be very cruel if the nation were to be again cheated of its hopes. No! Gentlemen, no! this is impossible. The times are different now from what they were; and Europe is not, happily, in the same position it was thirty years ago.

"In 1831 it was not so much the Russian armies which suppressed the insurrection, it was rather the indifference of the other Governments which quelled it. At that time there was neither a word of consolation or of hope for the future offered to Poland.

"The Polish army might win battles, but it could not lay the foundations of a durable state of things without having the moral assistance of Europe. And what advantage was it to Poland to win battles without that assistance? But in 1831 the European Cabinets settled, according to their own views, the fate of nations, and they were all of them more or less under the influence of an egotistical or timorous policy, which was directed to no object beyond that of avoiding every complication for the time being, without taking into consideration the dangers which menaced the future. Circumstances have undergone important changes during the thirty years which have since elapsed. Public opinion has become a Power which must now be taken into account, and which has consequently changed the foundations on which politics reposed.

"Even now, as in 1831, the Polish army will conquer, although it stands alone, although it has hardly any arms and hardly any ammunition; but Europe will, we hope, not act as it acted in 1831. What Poland now requires of the other European nations is, as in 1831, not to declare war, not to send its armies there, but merely to give Poland its strong moral support, and to give it openly, completely, and without reserve.

"It is on this account, Gentlemen, that every proof of sympathy is so precious to Poland, doubly precious coming as that sympathy does from hence. Sweden and Poland are united to one another not only by the mutual sympathies which Swedes and Poles feel for each other, but even by a community of interests. (Yes! yes!) The significant testimony of sympathy for Poland which is now being offered in a land which is so free, which is so happy, and whose King ever goes hand in hand with his people, this testimony of sympathy cannot do otherwise than produce a marked impression on the banks of the Weichsel as on those of the Neva.

"These are the motives, Gentlemen, which prompt me to empty my glass with my whole heart, and I venture to say in the name of all my countrymen, in behalf of Sweden's prosperity, its honour, and greatness."

It is superfluous to say that this speech called forth a storm of enthusiastic applause.

Many other toasts were proposed; one, amongst others, by Magister Sohlman, in honour of the Scandinavian sister kingdoms, in which he expressed the hope that the principle "Divide et impera" which had so long prevailed in the Scandinavian north, and of which the enemies of our freedom and nationality had so well known how to make use (although not with the same success as had been the case in Poland), might entirely give way to another principle, namely, "Join in order to be able to become independent."

A telegram was then read which had just arrived from Sundsvall, to the effect that a large number of the inhabitants of that place begged to express to Prince Czartoriski their warmest hopes that the Polish nation might regain their freedom and independence.

Prince Czartoriski expressed his gratification at this message, and requested that his thanks, and those of his countrymen, might be conveyed to the inhabitants of Sundsvall.

Per. Nilsson (member of the Peasant Chamber) then proposed a toast in honour of the "Women of Poland," who had given such great proofs of love for their country and heroic courage in times of need and misfortune, and even in the field of battle.

Prince Czartoriski replied to this toast in a very warm and eloquent manner.

He described in lively colours the part which Polish women had taken in the honourable martyrdom of Poland; "but," he observed, "the fact that they have worn mourning on their persons and in their hearts for their native country is not the most important circumstance; the fact that they have defied the Russian orders not to wear the national colours—that they have tended the wounded with tender care—that at times they have themselves rushed on the bayonets of the enemy—is not all: the main, the most important point, and that for which they will be blessed for ever, is, that like true mothers they have taught us never to give up all hope for our country!"

Inclosure 2 in No. 127.

Extract from the "Nya Dagligt Allehanda" of March 24, 1862.

(Translation.)

An Appeal.—THE sympathies which our country feels for Poland's noble and unhappy people are so strong, and have shown themselves in so clear a manner, that it is no longer necessary to find words to give them life and expression.

These sympathies are devoted to the cause of right, to strong patriotic feelings, to unmerited sufferings.

They cannot, therefore, become less intense owing to the alternating chances of the struggle; they cannot be lessened, and must rather be increased by that unfortunate fate which an unequal contest may entail on freedom's defenders.

Let the Swedish people, who at the present conjuncture do not do honour so much to success as to the cause of justice and heroism, give the Poles, above all things, as a proof of their sympathy, the moral support which they can afford them for the moment, while watching for that hour when the Cabinets of Europe will be obliged to exert themselves in earnest to arrive at a satisfactory solution of this question, from a point of view founded on the rights of nations and on the claims of civilization.

Let the Swedish people express their sympathies by acting in the way which is practicable under actual circumstances, and let Committees be formed in different parts of the country to collect subscriptions for the Poles, which subscriptions can hereafter be sent to the Undersigned, who, at the large meeting held at Stockholm, formed themselves into a "self-constituted" Committee for the Poles.

These subscriptions can, if the contest continues, be forwarded to the Emigration Society in Paris, and be a direct gain to the cause of liberty; and should (which God avert!) the champions of freedom be obliged to yield on this occasion, such subscriptions may be of welcome assistance in supporting those who have been fortunate enough to escape the Czar's bloody revenge, in order, with empty hands, to experience the necessities and the sufferings of exile.

Stockholm, March 24, 1863.

Treasurers of the Committee,
(Signed) A. C. RAAB.
AUG. BLANCHE.

Secretaries to the Committee,
F. W. STAEL von HOLSTEIN.
P. R. TERSMEDEN.
EMIL von QUINTEN.
J. MANKELL.
PER. NILSSON (of Espö).
A. SOHLMAN.
A. W. UHR.
J. ANDERSSON (of Oestergötland).
HORALD WIESELGREN.

No. 128.

Sir A. Buchanan to Earl Russell.—(*Received April* 6.)

My Lord, *Berlin, April* 3, 1863.

SEVERAL important subjects occupied the attention of the Chamber of Deputies in the sitting of the 31st ultimo.

First of all the Minister of Finance introduced a Bill intended to supply the place of the unsuccessful Budget of last session. It contains an account of the income and expenditure of the year 1862, which, from the financial point of view, is of a satisfactory character, showing, instead of the estimated deficit of 3,385,000 thalers, a *bonâ fide* surplus of 5,269,854 thalers. M. de Bodelschwing expressed the hope, in the name of the Government, that the House would pass this measure, thereby giving a retrospective sanction to the expenditure incurred last year, and extricating the country from the abnormal position into which the interruption of the ordinary financial legislature had placed it.

The Bill having been referred to the Budget Committee, M. de Bismarck laid before the House the Treaties with Belgium and the Protocol signed on the 28th ultimo, copies of which were transmitted to your Lordship in my despatch of the 28th of March.

The House next occupied itself with three several motions arising out of the Polish question.

The first had reference to the petition of certain persons who prayed that the Government should be urged to annul the Convention with Russia. The Committee of Petitions moved that the House should proceed to the order of the day, the subject of the Convention having been exhausted on the occasion of the last Polish debate. A lengthy discussion arose, in the course of which, the Minister President and the Polish policy of the Government were severely attacked by several speakers; MM. Syhel, Verihow, and Waldeck amongst the number.

M. de Bismarck, who suffered from indisposition, met these attacks by charging the House with occupying itself with matters of which it knew nothing. It brought accusations against the Government founded upon information derived from debates in foreign Parliaments, from communications made by foreign Governments, from newspaper articles. He, M. de Bismarck, would answer these accusations by again positively declaring that whatever stood in contradiction to his own assertions, no matter from what source that contradiction came, was untrue. The House might prefer believing foreign Governments to believing their own, but should remember that the assertions of the former rested on conjecture only, and did not pretend to the accuracy of positive knowledge. The House knew nothing of the nature of the Convention, and did not even know whether it existed or had ceased to exist. Its only chance of approximating to a knowledge of the truth was to note what on various occasions he had stated that the Convention was not.

In the course of the debate M. de Rönne adverted to the Cartel Convention of 1857, and wished the House to express an opinion to the effect that it was invalid in consequence of never having received the legislative sanction required by section 48 of the Constitution. The speaker was, however, called to order by the President, on the ground that this Convention formed no part of the question before the House.

The discussion having been brought to a close by the adoption of the Committee's recommendation to pass over to the order of the day, there followed the interpellation of the Polish section (fraction). It called upon the Government to state whether it was their intention to deliver up to the Russian authorities the Russo-Polish prisoners now in their hands.

Count Eulenburg answered that the persons to whom the interpellation referred belonged to different categories, and that their treatment, therefore, would differ accordingly. He could state, however, that the intentions of the Government generally were in the direction of clemency ("milde"), and that there was all the more room for this, that it was to be foreseen that a majority of cases would turn out to be those of persons who had been forced against their inclination to participate in the movement. On the other hand, he must declare that the Government could not withdraw itself from the obligation imposed upon it by Laws and Treaties.

It should be remarked, with reference to the above declaration, that although the interpellation itself, to which it is an answer, only refers to Russo-Polish subjects, the so-called printed "motives" or preamble by which every motion is accompanied, speak of Prussian subjects in custody for participation in the late troubles. It is evident that the first part of Count Eulenburg's declaration refers to the latter class.

Lastly, there was read the interpellation of M. de Syhel. It called upon the Government to state:—

1. What costs had been incurred in the concentration of troops along the Polish frontier.

2. Whence the funds to defray these costs had been derived.

General Rönne replied, that it was quite impossible at present to estimate this cost, and that the expenses hitherto had been defrayed from the military chest.

The House thereupon adjourned for the Easter recess.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 129.

Sir A. Buchanan to Earl Russell.—(Received April 6.)

(Extract.) *Berlin, April* 4, 1863.

WITH reference to the declaration made in the Second Chamber by Count Eulenburg to which I referred in my despatch of yesterday's date, I think it right to state that I have reason to believe that as a great proportion of the fugitives from Poland into Prussia are Prussian subjects and many of them belong to the Landwehr, his Excellency meant to say that Prussian fugitives would be treated with clemency, but that the Prussian Government could not refuse to fulfil their international engagements with Russia in cases in which the extradition of Russian subjects coming under the stipulations of these Treaties might be demanded by Russia.

I am assured by M. de Bismarck that he is only aware of six persons having been given up to the Russian authorities since the beginning of the insurrection; namely, four arrested at Thorn, and two, of whom one was a Russian officer who had assassinated the Major of his regiment, and the other an Ensign who had deserted.

No. 130.

Sir A. Buchanan to Earl Russell.—(Received April 6.)

(Extract.) *Berlin, April* 4, 1863.

IN a conversation which I had this morning with M. de Bismarck, I expressed surprise that while Austria appeared to consider she might, without any danger to her Polish province, co-operate with Her Majesty's Government and that of France in endeavouring to obtain from the Government of Russia those rights which the people of Poland are entitled to claim, Prussia should hold aloof, and exhibit herself to Europe as the ally of Russia in the oppression of Polish nationality; and I said it seemed to me that it would be worth her while to attract to herself some of the European sympathy and approval which Austria was likely to gain in this question.

He replied it was impossible for Prussia to change a policy which she had pursued for the last two years; and, after warning the Emperor of Russia, during that time, of the inevitable consequences of encouraging Polish aspirations after nationality, to call upon him now to grant the Poles the autonomy claimed for them.

No. 131.

Sir A. Buchanan to Earl Russell.—(Received April 6.)

My Lord, *Berlin, April* 4, 1863.

WITH reference to my despatch of the 26th ultimo, I am informed by M. de Bismarck that an insurrectionary movement had taken place at Polangen, near the Russian frontier, evidently with a view to receive the arms expected by the "Ward Jackson." That vessel had, however, he said put into Malmoe about five days ago, in consequence of the English crew having refused to proceed further in her. She had embarked a new crew, but is still believed to be at Malmoe. The "Gipsy Queen," he said, did not appear to have passed the Sound.

I have, &c.
(Signed) ANDREW BUCHANAN.

No. 132.

Lord Bloomfield to Earl Russell.—(Received April 6.)

My Lord, *Vienna, April 2, 1863.*

ON the receipt of your Lordship's telegram of the 28th ultimo, stating that a collective note on the affairs of Poland to be addressed to Russia by Austria, England, and France, was under consideration, and that Her Majesty's Government hoped it would be drawn up in such terms that the Austrian Government, with whom they are most anxious to act, will consent to sign it, I lost no time in informing Count Rechberg of the communication which had reached me.

Having met with a trifling accident which prevented my leaving the house, his Excellency and the French Ambassador were kind enough to call on me together on Sunday. Count Rechberg said that he was most desirous to act on this question with England and France, but that the exceptional position of Austria in regard to her Polish Province of Galicia rendered it impossible for her to adopt exactly the same course as that which might be decided on by England and France ; that he had taken the Emperor's orders, and submitted to His Imperial Majesty the draft of a despatch to be addressed to the Austrian Chargé d'Affaires at St. Petersburgh, which he thought would answer the purpose we had in view, and at all events preserve a community of sentiment on the part of the three Powers.

His Excellency read this despatch, and as neither the Duc de Gramont nor myself saw the least chance of obtaining the assent of the Imperial Government to the principle of a collective note, it only remained for us to express our regret that Austria could not take the step in the form we had proposed.

Count Rechberg said that he was ready to forward the draft of his despatch to London and Paris, and that if approved of it might be communicated to Prince Gortchakoff at the same time as the notes of England and France.

Seeing that no better arrangement was likely to be obtained, we requested Count Rechberg to send off the necessary instructions to London and Paris without delay, which he promised to do, and Count Apponyi will probably have communicated the proposed Austrian despatch to your Lordship some days before this can reach your hands.

I have, &c.

(Signed) BLOOMFIELD.

No. 133.

Count Rechberg to Count Apponyi.——*(Communicated to Earl Russell by Count Apponyi, April 7.)*

M. le Comte, *Vienne, le 31 Mars, 1863.*

LE Duc de Gramont et Lord Bloomfield ont été chargés par leurs Gouvernements de m'entretenir d'un projet de démarche identique et collective que les deux Cabinets de Paris et de Londres auraient en vue de faire à St. Pétersbourg pour demander au Gouvernement Russe de replacer le Royaume de Pologne dans des conditions propres à y assurer le retour et le maintien de la tranquillité.

Mes dépêches antérieures sur la question Polonaise ont toujours établis que malgré certain rapprochement entre nos appréciations et celles des Gouvernements Anglais et Français, nous ne pouvions cependant nous placer entièrement sur la même ligne.

Je me suis assez étendu sur ce point vis-à-vis de votre Excellence pour qu'il soit superflu d'y revenir ici. Je me bornerai donc à vous dire que dans mes conversations avec les deux Ambassadeurs j'ai de nouveau insisté sur les graves motifs qui forçaient l'Autriche à observer dans la question Polonaise une réserve conforme à sa situation particulière essentiellement différente de celles des deux autres Puissances. Passant ensuite à l'examen de l'affaire spéciale qui se trouvait en cause j'ai dû faire observer que dans une demarche pareille à celle dont il s'agissait le point de départ pour l'Autriche se trouvait être naturellement tout autre que pour l'Angleterre et la France.

La possession de la Galicie rend en effet le Gouvernement Impérial fort intéressé à ce que la Pologne Russe ne redevienne point le théâtre de troubles et de conflits sanglants. Nous devons en conséquence nous fonder avant tout sur les embarras suscités au Gouvernement Impérial par l'agitation qui règne dans le voisinage immédiat de ses frontières, pour demander à l'Empereur Alexandre qu'il porte remède à cet état de choses.

Nous souffrons d'ailleurs trop directement de ce qui vient de se passer en Pologne, pour ne pas être dans le cas d'exprimer au Gouvernement Russe notre désir de voir

prévenir le retour de semblables événements. Aussi sommes-nous disposés à adresser à notre Chargé d'Affaires à St. Pétersbourg la depêche dont votre Excellence trouvera ci-près le projet. Elle nous semblerait correspondre autant que notre situation particulière le permet aux vues des Cabinets de Paris et de Londres.

Je vous autorise à en donner confidentiellement connaissance à Lord Russell, qui verra, j'espère, dans cette communication une preuve de notre désir de nous rapprocher des vues Anglaises.

Ainsi que je l'ai fait remarquer à Lord Bloomfield et au Duc de Gramont, la nuance qui sépare en cette occasion l'attitude de l'Autriche de celle des deux autres Cours trouve son explication dans la nature même des choses. En élevant sa voix en faveur des Polonais, l'Autriche, qui possède elle-même une province Polonaise, doit tenir un langage à part. Mais si ce langage tend vers le même but que celui qui est poursuivi par la France et l'Angleterre, il peut servir ainsi à constater l'harmonie qui règne entre les trois Puissances.

Nous croyons tenir compte par là, autant que nous le pouvons, des vœux qui nous ont été exprimés ; et nous aimons à penser que notre projet, présenté avec ces explications, trouvera un accueil favorable auprès du Gouvernement Anglais.

Une dépêche identique, contenant la même annexe, est adressé à l'Ambassadeur de l'Empereur à Paris.

Recevez, &c.
(Signed) RECHBERG.

(Translation.)

Prince, *Vienna, March* 31, 1863.

THE Duke de Gramont and Lord Bloomfield have been instructed by their Governments to communicate with me on the subject of a proposal for an identic and collective step which the Cabinets of Paris and London are intending to take at St. Petersburgh, to request the Russian Government to restore the Kingdom of Poland to such a state as may secure to it the re-establishment and the maintenance of tranquillity.

My former despatches on the Polish question have always laid down that, notwithstanding a certain similarity between our views and those of the English and French Governments, we nevertheless could not adopt exactly the same line.

I have sufficiently enlarged on this point to your Highness to render it superfluous to return to it now. I shall therefore confine myself to informing you that in my conversations with the two Ambassadors I have again insisted on the important reasons which compelled Austria to observe in the Polish question a reserve in conformity with her particular situation, which is essentially different from that of the two other Powers. Passing afterwards to the examination of the special matter in discussion, I thought it right to observe that in a step like that in question, the point of departure for Austria was naturally quite different from that for England and France.

The possession of Galicia, in fact, makes it strongly the interest of the Imperial Government that Russian Poland should not again become the theatre of disturbances and sanguinary conflicts. We ought consequently, above all, to found our request to the Emperor Alexander to remedy this state of things on the embarrassment caused to the Imperial Government by the agitation which reigns in the immediate vicinity of our frontiers.

We suffer, moreover, too directly from what has just passed in Poland not to be in a position to express to the Russian Government the desire of seeing the recurrence of such events prevented. We are therefore disposed to address to our Chargé d'Affaires at St. Petersburgh the despatch of which your Highness will find the draft annexed. It would seem to us to correspond with the views of the Cabinets of Paris and London, as far as our peculiar situation allows of it.

I authorize you to communicate it confidentially to Lord Russell, who will, I hope, see in this communication a proof of our desire to associate ourselves with the views of the British Government.

As I have remarked to Lord Bloomfield and the Duke de Gramont, the shade of difference which exists on this question between the attitude of Austria and that of the two other Courts may be explained by the very nature of the affair. In raising her voice in favour of the Poles, Austria, who herself possesses a Polish province, must hold a language of her own. But if this language tends to the same object as that which is pursued by France and England, it may serve to establish the harmony which reigns between the three Powers.

We consider that in this manner we pay all the attention in our power to the wishes

which have been expressed to us; and we hope that our draft, communicated with these explanations, will experience a favourable reception from the British Government.

An identic despatch, containing the same inclosure, is addressed to the Emperor's Ambassador at Paris.

Receive, &c.
(Signed) RECHBERG.

Inclosure in No. 133.

Draft of Despatch from Count Rechberg to Count Thun.

Vienne, le

DEPUIS la défaite et la dispersion des bandes armées les plus importantes par leur nombre et leur organisation, l'insurrection en Pologne peut être considerée comme réduite à des proportions moins grandes.

Ce fait, qui dégage le Gouvernement Russe de ce qu'il devait jusqu'ici à des considérations de dignité et d'honneur militaire, nous permet d'appeler aujourd'hui son attention sur l'influence fâcheuse que les troubles de Pologne exercent sur nos propres frontières.

En effet il est impossible que la Galicie ne se ressente pas d'événements aussi déplorables que ceux qui viennent de se passer dans le voisinage immédiat de ses frontières. De graves embarras sont ainsi suscités au Gouvernement Impérial, qui doit donc attacher un prix tout particulier à en voir prévenir le retour. Le Cabinet de St. Pétersbourg comprendra sans doute lui-même les dangers des convulsions périodiques qui agitent la Pologne, et il reconnaîtra l'opportunité d'aviser au moyen d'y mettre un terme en replaçant les provinces Polonaises soumises à la Russie dans les conditions d'une paix durable.

On éviterait de la sorte des conséquences fâcheuses pour l'Europe entière et pour les contrées qui souffrent plus directement des conflits qui, comme les derniers que nous venons de voir éclater, ont inévitablement l'effet d'agiter l'opinion d'une manière inquiétante pour les Cabinets et capables de faire naître de regrettables complications.

Veuillez, M. le Comte, présenter sous la forme la plus amicale ces observations à M. le Vice-Chancelier, et nous informer de l'accueil qu'elles auront rencontré.

Recevez, &c.

(Translation.)

Vienna,

SINCE the defeat and dispersion of those armed bands which, from their numbers and their organization, were the most formidable, the insurrection in Poland may be considered as having been reduced to smaller proportions.

This fact, which relieves the Russian Government from what it has hitherto owed to considerations of dignity and of military honour, enables us now to call their attention to the unfortunate influence which the troubles in Poland exercise upon our own provinces.

In fact, it is impossible that Galicia should not sympathize with events so deplorable as those which have recently taken place in the immediate vicinity of her frontiers. Serious embarrassment is also caused to the Imperial Government, who must, therefore, attach some importance to being able to obviate the return of such events. The Cabinet of St. Petersburgh will, no doubt, itself appreciate the danger of the periodic convulsions which agitate Poland, and it will recognize the expediency of taking measures with the object of placing a term to them by putting the Polish province under Russian dominion in the conditions of a durable peace.

By so doing, consequences will be avoided disastrous to all Europe, and to those countries which suffer most directly from struggles which, like those which we have lately seen taking place, have the inevitable effect of disturbing public opinion in a manner to cause uneasiness to Cabinets, and capable of producing lamentable complications.

I have to request, M. le Comte, that you will bring these observations in the most friendly manner before the Vice-Chancellor, and that you will inform me of the manner in which they are received.

Receive, &c.

No. 134.

Earl Cowley to Earl Russell.—(Received April 7.)

(Extract.) *Paris, April* 5, 1863.

M. DROUYN DE LHUYS said that he was preparing the draft of the despatch which he proposed addressing to the Duc de Montebello, and that he would send it to-morrow night to Baron Gros for communication to your Lordship.* He hoped that your Lordship would equally communicate to him the despatch which you might decide on sending to Lord Napier.

M. Drouyn de Lhuys proceeded to read to me some extracts from a despatch dated the 3rd instant, which he had received this morning from the Duc de Grammont, and from which it would appear that on the Duke representing to Count Rechberg the desire of his Government that a copy of the Austrian despatch should be left with Prince Gortchakoff, Count Rechberg had replied that he had so intended it, and that a formal order should be given to the Austrian Chargé d'Affaires in that sense. The Duc de Grammont then proposed that the three despatches should be communicated to the Russian Vice-Chancellor by the three Representatives at St. Petersburgh in identic though separate, notes, and he says that Count Rechberg did not altogether object to this course. M. Drouyn de Lhuys would prefer it, and will write in that sense to the Duc de Grammont, but without making a point of it, and he hopes that your Lordship will do the same.

When the three Governments shall have agreed as to the manner in which their several despatches shall be worded, and communicated to Prince Gortchakoff (the communications should be effected, in M. Drouyn de Lhuys' opinion, with as much simultaneity as possible), his Excellency proposes that each of the three Governments should send copies of the three despatches to their Representatives at other Courts, and invite those Courts to join in the demonstration in favour of Poland in such measure as they may deem advisable.

No. 135.

Earl Russell to Sir A. Buchanan.

Sir, *Foreign Office, April* 8, 1863.

IN reference to your Excellency's despatch of the 4th instant, I shall be glad to learn what was the fate of the four persons arrested at Thorn,—whether they or any other persons delivered up by Prussia have been put to death by the Russian authorities; and also whether, under the Convention of 1857, political refugees from Russian Poland must, according to the terms of that Convention, be delivered up by Prussia on the demand of Russia?

I am, &c.
(Signed) RUSSELL.

No. 136.

Draft of Despatch to the Duc de Montebello.—(Communicated to Earl Russell by Baron Gros, April 9.)

M. le Duc, *Paris, le . Avril,* 1863.

L'INSURRECTION dont le Royaume de Pologne est en ce moment le théâtre a éveillé en Europe de vives préoccupations, au milieu d'un repos qu'aucun événement prochain ne semblait devoir altérer. La déplorable effusion de sang dont cette lutte est l'occasion, et les douloureux incidents qui la signalent, excitent en même temps une émotion aussi générale que profonde.

Le Gouvernement de Sa Majesté obéit donc à un devoir en exprimant à la Cour de Russie les réflexions que cet état de choses est de nature à suggérer; et en signalant à sa sollicitude les inconvénients et les dangers qu'il entraîne.

Ce qui caractérise les agitations de la Pologne, M. le Duc, ce qui en fait la gravité exceptionnelle, c'est qu'elles ne sont pas le résultat d'une crise passagère. Des effets qui se reproduisent presque invariablement à chaque génération, ne sauraient être attribués à des causes purement accidentelles. Ces convulsions devenues périodiques sont le symptôme d'un mal invétéré; elles attestent l'impuissance des combinaisons imaginées jusqu'ici pour réconcilier le Royaume de Pologne avec la situation qui lui a été faite.

* See No. 136.

D'autre part, ces perturbations trop fréquentes, sont, toutes les fois qu'elles éclatent, un sujet d'inquiétude et d'alarmes. La Pologne, qui occupe en Europe une position centrale, ne saurait être troublée sans que les États placés dans le voisinage immédiat de ses frontières se ressentent de cet ébranlement. C'est ce qui est arrivé à toutes les époques où la Pologne a pris les armes. Ces conflits, comme on peut en juger par celui dont nous sommes en ce moment témoins, n'ont pas seulement pour conséquence d'agiter les esprits d'une manière inquiétante; mais, en se prolongeant, ils pourraient troubler les rapports des Cabinets, et faire naître les plus regrettables complications. Nous aimons à espérer, M. le Duc, que la Cour de Russie accueillira, dans le sentiment qui nous les a dictées, des considérations aussi dignes de son attention. Elle se montrera animée, nous en avons la confiance, des dispositions libérales dont le régne de Sa Majesté l'Empereur Alexandre a déjà donné de si éclatants témoignages, et elle reconnaîtra, dans sa sagesse, l'opportunité d'aviser aux moyens de replacer le Royaume de Pologne dans les conditions d'une paix durable.

Vous voudrez bien donner lecture de cette dépêche à M. le Prince Gortchakoff et lui en remettre une copie.

(Translation.)

M, le Duc, *Paris, April* , 1863.

THE insurrection of which the Kingdom of Poland is at present the theatre has awakened in Europe a lively anxiety, in the midst of a repose which no near event seemed likely to disturb. The lamentable effusion of blood of which this contest is the cause, and the painful iucidents which mark it, are exciting, at the same time, an emotion as general as it is profound.

The Government of His Majesty is therefore fulfilling a duty in expressing to the Court of Russia the reflections which this state of things is of a nature to suggest, and in pointing out to her solicitude the inconveniences and the dangers which it involves.

The characteristic of the agitations in Poland, M. le Duc, that which makes their exceptional gravity, is that they are not the result of a passing crisis. Effects which are reproduced in almost every generation cannot be attributed to purely accidental causes. These convulsions, which have become periodical, are the symptom of an inveterate evil; they bear witness to the impotence of the combinations which have been hitherto devised in order to reconcile the kingdom of Poland with the situation which has been created for it.

On the other hand, these too frequent disturbances are, at each recurrence of their outbreak, a subject of anxiety and alarm. Poland, which occupies a central position in Europe, cannot be disturbed without the States situated in the immediate neighbourhood of her boundaries being influenced by the shock. That is what has happened at each time when Poland has taken up arms. These conflicts, as may be judged by that which we are now witnessing, have not for their only consequence the agitation of the public mind in an alarming manner; but if prolonged, they might trouble the relations of the Cabinets, and give rise to the most regrettable complications. We have pleasure in hoping, M. le Duc, that the Court of Russia will receive, in the same spirit which dictated them to us, considerations so worthy of her attention. We are confident that she will show herself to be animated by the liberal disposition to which the reign of His Majesty the Emperor Alexander has already borne such brilliant testimony, and she will recognize in her wisdom the opportunity for considering the means of replacing the Kingdom of Poland in the conditions of a durable peace.

You will have the goodness to read this despatch to Prince Gortchakoff, and to place a copy of it in his hands.

No. 137.

*Earl Russell to Earl Cowley.**

My Lord, *Foreign Office, April* 9, 1863.

I TRANSMIT to your Excellency herewith, for your information, a draft of a despatch on the affairs of Poland which I propose to send to-morrow night to Her Majesty's Ambassador at St. Petersburgh,† with instructions to communicate it to the Russian Government.

Your Excellency will communicate a copy of this draft to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

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* A similar despatch was addressed to Lord Bloomfield.

† No. 138.

No. 138.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, April* 10, 1863.

HER Majesty's Government think it incumbent upon them to state once more to the Government of His Majesty the Emperor of Russia the deep interest which, in common with the rest of Europe, they take in the welfare of the Kingdom of Poland.

The general sympathy which is felt for the Polish nation might of itself justify Her Majesty's Government in making, in favour of the Polish race, an appeal to the generous and benevolent feelings of His Imperial Majesty, who has of late by various and important measures of improvement and reform, manifested an enlightened desire to promote the welfare of all classes of his subjects. But with regard to the Kingdom of Poland, Her Majesty's Government feel that the Government of Great Britain has a peculiar right to make its opinions known to that of His Imperial Majesty, because Great Britain having, in common with Austria, France, Prussia, Portugal, Spain and Sweden, been a party to the Treaty of Vienna of June 1815, Her Majesty's Government are entitled to interpose with regard to any matter which may appear to them to constitute a departure from the provisions and stipulations of that Treaty.

By the first Article of that Treaty the Grand Duchy of Warsaw was erected into a Kingdom of Poland, to be inseparably attached to the Empire of Russia under certain conditions specified in that Article; and Her Majesty's Government are concerned to have to say that although the union of the Kingdom to the Empire has been maintained, the conditions on which that union was distinctly made to depend have not been fulfilled by the Russian Government.

The Emperor Alexander, in execution of the engagements contracted by the Treaty of Vienna, established in the Kingdom of Poland a national representation and national institutions corresponding with the stipulations of the Treaty. It is not necessary for Her Majesty's Government now to observe upon the manner in which those arrangements were practically administered from that time down to the revolt in 1830. But upon the suppression of that revolt by the success of the Imperial arms, those arrangements were swept away, and a totally different order of things was by the Imperial authority established.

Prince Gortchakoff argues, as his predecessors in office have on former occasions argued, that the suppression of that revolt cancelled all the engagements of Russia in the Treaty of Vienna with regard to the Kingdom of Poland, and left the Emperor of Russia at full liberty to deal with the Kingdom of Poland as with a conquered country, and to dispose of its people and institutions at his will. But Her Majesty's Government cannot acquiesce in a doctrine which they deem so contrary to good faith, so destructive of the obligation of Treaties, and so fatal to all the international ties which bind together the community of European States and Powers.

If, indeed, the Emperor of Russia had held Poland as part of the original dominions of his Crown, or if he had acquired it by the unassisted success of his arms, and unsanctioned by the consent of any other Power, he could have contended that might was equivalent to right, and, without listening to the dictates of generosity and justice, he might have punished a temporary revolt of a portion of his Polish subjects by depriving the whole of them and their descendants for ever of those privileges and institutions which his predecessor had deemed essential to the welfare and prosperity of the Polish Kingdom.

But the position of the Russian Sovereign with regard to the Kingdom of Poland was entirely different. He held that kingdom by the solemn stipulation of a Treaty made by him with Great Britain, Austria, France, Prussia, Portugal, Spain, and Sweden; and the revolt of the Poles could not release him from the engagements so contracted, nor obliterate the signatures by which his Plenipotentiaries had concluded, and he himself had ratified, those engagements.

The question, then, having arisen whether the engagements taken by Russia by the Treaty of Vienna have been and are now faithfully carried into execution, Her Majesty's Government, with deep regret, feel bound to say that this question must be answered in the negative.

With regard to the present revolt, Her Majesty's Government forbear to dwell upon that long course of action, civil, political, and military, carried on by the Russian Government within the Kingdom of Poland, of which the Poles so loudly complain, and to which they refer as the causes which occasioned, and in their opinion justified, their insurrection. Her Majesty's Government would rather advert to the much-wished-for termination of these lamentable troubles.

What may be the final issue of this contest it is not, indeed, for Her Majesty's Government to foretell; but whether the result shall be the more extended spread of the insurrection, and its assumption of dimensions not at present contemplated, or whether, as is more likely, that result shall be the ultimate success of the Imperial arms, it is clear and certain that neither result can be arrived at without a calamitous effusion of blood, a great sacrifice of human life, and an extensive devastation of property; and it is evident that even if Poland shall be reduced to subjection, the remembrance of the events of the struggle will long continue to make it the bitter enemy of Russia, and a source of weakness and of danger, instead of being an element of security and of strength.

Her Majesty's Government, therefore, most earnestly entreat the Government of Russia to give their most serious attention to all the foregoing considerations; and Her Majesty's Government would beg, moreover, to submit to the Imperial Government that, besides the obligations of Treaties, Russia, as a member of the community of European States, has duties of comity towards other nations to fulfil. The condition of things which has now for a long course of time existed in Poland is a source of danger, not to Russia alone, but also to the general peace of Europe.

The disturbances which are perpetually breaking out among the Polish subjects of His Imperial Majesty necessarily produce a serious agitation of opinion in other countries of Europe, tending to excite much anxiety in the minds of their Governments, and which might, under possible circumstances, produce complications of the most serious nature.

Her Majesty's Government, therefore, fervently hope that the Russian Government will so arrange these matters that peace may be restored to the Polish people, and may be established upon lasting foundations.

Your Lordship will read this despatch to Prince Gortchakoff, and you will give him a copy of it.

I am, &c.
(Signed) RUSSELL.

No. 139.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, April* 10, 1863.

I HAVE to state to your Excellency that you should concert with your Austrian and French colleagues as to the day on which you shall present to Prince Gortchakoff copies of the despatches respecting Poland which you are severally instructed to deliver to his Excellency.

The copies should be presented on the same day by each of you, though at separate interviews with the Russian Minister.

I am, &c.
(Signed) RUSSELL.

No. 140.

*Earl Russell to Lord Napier.**

(Extract.) *Foreign Office, April* 10, 1863.

I HAD a long conversation yesterday with Baron Brunnow, some parts of which were of much interest.

In a former conversation I had said to him that I could not be surprised that men driven to despair should commit wild deeds of revenge, or that the ferocious disciples of Mazzini should be guilty of assassinations; but that the acts of atrocity committed by the disciplined army of Russia excited, on the part of Her Majesty's Government, surprise as well as horror. Baron Brunnow had replied that dreadful crimes of savage cruelty had been perpetrated by the insurgents, and had given rise to acts of retaliation. He informed me yesterday that General Berg would take the command of the Russian army in Poland. He said that General Berg was an able commander, and was likely by his military arrangements to put an end to the insurrection. I replied that if General Berg was, as I believed, an officer of high repute, I hoped he would restore discipline in the Russian army in Poland, and punish these acts of insubordination and barbarous violence, which had hitherto been unrestrained. Baron Brunnow denied the truth of the stories in circulation upon this subject.

* Similar despatches were addressed to Lord Bloomfield and Earl Cowley.

Baron Brunnow asked me some questions as to the nature of the representations about to be made at St. Petersburgh, and when I told him that the despatch of Her Majesty's Government was chiefly founded on the non-observance of the stipulations of the Treaty of Vienna, he expressed some satisfaction that we still founded our demands on the basis of that Treaty. But there was one question he felt he was entitled to ask, and that was whether the communication Her Majesty's Government were about to make at St. Petersburgh was of a pacific nature.

I replied that it was, but that as I did not wish to mislead him I must say something more. Her Majesty's Government had no intentions that were otherwise than pacific, still less any concert with other Powers for any but pacific purposes.

But the state of things might change. The present overture of Her Majesty's Government might be rejected as the representation of the 2nd of March had been rejected by the Imperial Government. The insurrections in Poland might continue and might assume larger proportions; the atrocities on both sides might be aggravated and extended to a wider range of country. If in such a state of affairs the Emperor of Russia were to take no steps of a conciliatory nature, dangers and complications might arise not at present in contemplation.

Baron Brunnow said he could not call our former despatch an overture. The intentions of the Emperor towards Poland were most kind and benevolent. But there were projects afloat for altering the map of Europe. In these projects compensations to Russia were included. Russia entered into none of these projects; she wanted no compensation; she held by the present territorial arrangements of Europe, and he (Baron Brunnow) trusted Great Britain would do so likewise.

I said it was the wish of Her Majesty's Government to do so. But Russia herself had in some cases been active in proposing and carrying into effect territorial changes. I trusted, however, that in the present case the Emperor of Russia, by granting an amnesty to those who would lay down their arms, and the benefits of free institutions to Poland, would put an end to the insurrection.

It had formerly been said that the Emperor of Russia could not give liberal institutions to Poland while he denied similar benefits to his Russian subjects. But at the present time Russia as well as Poland might well look to the enjoyment of representative institutions. Why should they not be granted at one and the same time to the Kingdom of Poland and to the Empire of Russia?

Baron Brunnow had no information as to the intentions of the Emperor on this subject, and I did not press him further.

No. 141.

Earl Cowley to Earl Russell.—(*Received April* 11.)

(Extract.) *Paris, April* 10, 1863.

I HAD the honour to receive this morning your Lordship's despatch of yesterday's date, inclosing the draft of the despatch to Lord Napier on the state of Poland which your Lordship proposes to send this day to St. Petersburgh, and desiring me to communicate it to M. Drouyn de Lhuys.

I lost no time in executing your Lordship's instructions.

M. Drouyn de Lhuys, after reading the draft, said that as he conceived the question arising out of the Treaty of Vienna to have been amply discussed on previous occasions, he had not made any special allusion to it in his despatch, and as it had been agreed that the representations to be made at St. Petersburgh by the Governments of Great Britain, France, and Austria, should not be identic in terms, the variation did not, in his opinion, signify. He would, therefore, send the French despatch, as he had previously intended, to-night.

No. 142.

Colonel Stanton to Earl Russell.—(*Received April* 13.)

(Extract.) *Warsaw, April* 7, 1863.

SINCE the dispersal of the insurgent forces under the immediate command of Langiewicz, but few striking events have occurred within the Kingdom of Poland, and many of the members of the Government here appear to consider the insurrection as

nearly trampled out. I cannot, my Lord, myself in any manner participate in this opinion; but, on the contrary, I believe that within a very short time, notwithstanding the apparently overwhelming force of the Russians, fresh bands will appear in all parts of the Kingdom, and that the leaders of the movement having learnt by the failure of the ex-Dictator that it is nearly impossible for them to maintain in the field any forces large enough to operate in a regular manner against the columns of their enemy, have now determined to try the effect of partisan warfare carried on simultaneously by small bodies in all such parts of the Kingdom as by the nature of the country may be suited to such a warfare.

It cannot be denied, my Lord, that the hopes of the insurgents have been raised by the prospect of diplomatic intervention in their favour, and it is probable that their determination to continue the unequal struggle may be based on hopes of more active assistance from the Great Powers than mere diplomatic intervention, provided they can succeed in maintaining themselves for some time longer.

The most important intelligence lately received here, my Lord, is from Samogitia, where it appears the insurrection has broken out in a very decided manner, all classes of inhabitants joining in the movement, and the Russian troops are stated to have been worsted at Usciany and Poniewiesz, in the neighbourhood of Dünaburg, and it appears still very doubtful whether the insurrection may not become general throughout the Province of Lithuania and the other old Polish provinces.

The feeling against Russia amongst all classes of the inhabitants of this country, with perhaps the exception of the peasants, is now so strong that I fear, my Lord, any offer of political liberty short of actual independence, if made by Russia herself, would not satisfy the Poles, or be sufficient to pacify the country; but I believe at the same time that much less would be willingly accepted if pressed by an European Congress, as in the latter case they would see how far they might look for support from the other Powers, and they would be obliged to bow to the decision of Europe, even if not completely satisfied by the arrangement arrived at.

From the reports received here it appears, my Lord, that even the liberal party in Russia are far from being well-disposed towards the Poles, and it is to be feared that if left to make the best of their own case alone with Russia, and unless the Great Powers take the settlement of the question into their hands, the prospects of Poland offer little beyond desolation and ruin for the present generation, and material injury for the future welfare, prosperity, and civilization of the country.

In conclusion, I beg to forward to your Lordship herewith, a translation of a Proclamation of the Central Revolutionary Committee, announcing their having resumed the supreme authority since the arrest of Langiewicz in Austria, and declaring any attempt by individuals to assume the Dictatorial authority to be treasonable.

This Proclamation, my Lord, appears to have been issued to satisfy the nobles and Moderate party that any attempt by Mieroslaswki to seize the supreme power would not be allowed by the leaders of the movement.

Inclosure in No. 142.

Proclamation.

(Translation.)

THE Central Committee, as National Government, informs the nation that in consequence of the arrest of the Dictator Langiewicz by the Austrian Government, the supreme national authority has been resumed by them.

With a view to guarantee the country from the confusion that might arise from attempts to seize the supreme power by any single individual, the assumption of Dictatorial authority, or of any other form of government, whether at home or abroad, is declared treasonable.

Warsaw, March 27, 1863.

No. 143.

Lord Bloomfield to Earl Russell.—(Received April 13.)

My Lord, *Vienna, April* 9, 1863.

AS it is extremely difficult to obtain any reliable intelligence respecting the movement in Poland, I have requested Mr. Mounsey to report to me his impressions of what he saw and heard on the occasion of his late visit to Cracow.

He has addressed to me an interesting letter on the subject, and I have the honour to forward the same herewith for your Lordship's information.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 143.

Mr. Mounsey to Lord Bloomfield.

(Extract.) *Vienna, April 7, 1863.*

IN accordance with the desire expressed to me by your Lordship, I have the honour to lay before you all the information which I was able to collect during my very short stay at Cracow respecting the state of public feeling there on the subject of the Polish insurrection.

In pursuing my inquiries as to the circumstances under which Mr. Finkinstin received his injuries, I had several opportunities of ascertaining the general feelings of the inhabitants, whilst the hospitality shown me placed me frequently in contact with men of fortune and standing both in Galicia and Russian Poland. But without possessing the above sources of information, any one passing twenty-four hours in the town must inevitably arrive at the conclusion that its inhabitants entertain the most profound sympathy for the movement now going on in Poland, and the most determined hatred of Russia and all that is Russian, and I believe that these feelings exist not only in Cracow, but in every Galician town. It is, of course, impossible for me to state with certainty the sentiments of the rural population; but it would seem that though passive, they are not hostile to the cause of Poland. This I infer from the facility with which the Galician bands are said to traverse the country on their way to join the insurgents.

Nor do the people of Cracow attempt to conceal their feelings. They show themselves in various ways—by the hospitality, care and attention bestowed upon the wounded, by the large crowds which follow to the grave the corpses of those who die of the injuries they have received at the hands of the Russian soldiers, and by the mourning costume worn by the whole population.

The active spirits of the place go much beyond such demonstrations. From very good authority I learnt that an Insurrectionary Committee is permanently established, and holds nightly sittings in the town. It is entrusted, I was told, with the organization of bands, the appointment of their Commanders, &c., and is in constant communication with the Warsaw Committee, and those said to be in existence at Lemberg and other Galician towns. Its general proceedings were openly talked of to me, and many people seemed to be aware of its existence. There is, further, no doubt that many Cracovians are to be found in the insurgent ranks. The students at the University supplied a considerable quota, and amongst the wounded lying in the hospitals several natives may be found.

An anecdote was related to me which plainly illustrates the state of feeling amongst the people. Soon after Langiewicz's surrender, the remains of his army were brought into Cracow to the number of several hundreds, and confined in the riding school and other public buildings; anywhere, in fact, where space could be found for them. Before the expiration of a week they were almost all free again and across the border. An eye-witness of the fact informed me that under pretence of visiting their relatives, the female population of the town, each furnished with some extra article of female costume, easily obtained access to the prisoners, and that the latter shortly afterwards passed the sentries in the slightest of all disguises, some wearing a bonnet, others a shawl, &c., &c.

Some few, the most dangerous, I presume, were better guarded, and afterwards sent to Bohemia; but it seems that at the time the Austrian authorities hardly knew what to do with the large number of fugitives then swarming across the frontier.

More stringent measures have since been adopted by the authorities. On arriving by rail the traveller is not allowed to leave his carriage until his passport has been examined. Frequent domiciliary visits are made, and a considerable military force guards the frontier. These measures are, however, futile, and it is quite impossible to prevent any one passing into Poland. The bands formed in Galicia choose some dark night, or locate themselves in a wood till dusk, and as soon as the patrol has passed, over they go; or else they pass singly and re-unite on the Polish side of the frontier, which is generally unguarded by Russian troops.

The latter are now concentrated, and are seldom seen on the frontier, except when from the reports of their spies—and I am told they have many in Galicia—they learn that a band is to pass at a given point and hour.

Langiewicz's defeat was not considered at Cracow as at all likely to induce a termination of the insurrection, and though the first news of it may have damped the hopes of many, it has eventually increased the energy of all. Many persons there strongly condemned his plan of carying on the war. They were fully aware that, without considerable supplies, it was a mistake to concentrate such a large force, and a system of guerilla warfare has since been adopted in consequence.

The defeat of the Dictator has not caused the Poles to despair. They still fight and arm and hope.

I do not think that the granting of a given amount of political freedom and administrative reform will satisfy the Poles. The object of their desires is the re-establishment of an independent Poland. For this they have always fought, and for this they will always struggle. It is the constant subject of their thoughts, and at present the only possible source of conversation.

Mieroslawski was at Cracow during my stay. He seems to enjoy little or no popularity, and I heard it imputed as a crime to the Austrian Government that he was not deprived of his liberty. This imputation, it is true, proceeded from a member of the aristocratic party, with whom the friend of Mazźini does not stand in good odour. But I believe that generally Mieroslawski is looked upon with a certain amount of distrust, and, as he is charged with being the cause of the dissensions and divisions which broke out in Langiewicz's camp previous to the latter's ultimate defeat, and which partially contributed to that defeat, it is easy to understand his present unpopularity.

Such being the state of public feeling in Galicia, it may be asked why no disturbances have taken place there, and why the insurrection has not extended to that province? The answer is, I think, first, because the Galicians are happier and better governed than the Russian Poles; secondly, because they enjoy perfect religious liberty; and thirdly, and especially, because the policy of Austria in this question has been so humane and conciliatory, when contrasted with that of Prussia and Russia, that the Galicians are, as it were, reconciled to remain under her rule until they see a more certain prospect of obtaining their independence.

One word on the atrocities committed by the Russian soldiers. They are generally attributed at Cracow to the want of discipline existing at this moment in the Russian army. This want of discipline, I was told, does not result from the abolition of the knout alone. Another cause exists. It seems that the Russian Government suspect many of their officers of being imbued with liberal principles, and it is said that the solders have been ordered to obey their non-commissioned officers, and to exercise a sort of surveillance over those of a superior rank.

These, my Lord, are my impressions of the state of things in Cracow and Galicia. They are the result of what I there saw and heard. I had no time to examine minutely into all that I have related. I have given it as it was told me, and I believe it to be correct.

No. 144.

Lord Bloomfield to Earl Russell.—(*Received April* 13.)

(Extract.) *Vienna, April* 9, 1862.

IN reply to inquiries which I have lately addressed to Count Rechberg for news from Poland, his Excellency has expressed an expectation, notwithstanding the powerful resistance of the insurgents, of the success of the Russian arms, and of the country being sooner or later forced to accept whatever terms the Emperor Alexander may be disposed to grant. Count Rechberg has never dropped a word in approbation of the original partition of Poland, but he considers it a duty to treat the Polish question from his present view of Austrian interests that the territorial arrangements should remain as now established, but that every persuasion should be used to induce Russia to bestow a system of administration on her Polish Provinces likely to ensure their tranquillity and that of the neighbouring States.

No. 145.

Lord Bloomfield to Earl Russell.—(*Received April* 13.)

My Lord, *Vienna, April* 9, 1863.

THE Russian troops have, in several instances, recently violated the Austrian territory when pursuing insurgents, and have not infrequently committed gross outrages on the frontier troops.

On one occasion a detachment of Cossacks, following fugitive Poles, refused to regard the summons of the Austrian guard, upon whom they fired, killing one man. The Cossacks, being in overwhelming force, took prisoners the officer commanding the Austrian guard and his men, and after plundering them conveyed them over the frontier to a Colonel of Russian dragoons. This officer immediately ordered their release and made an apology for the conduct of the Cossacks, but refused to give his name or that of his regiment.

Similar cases of the violation of Austrian territory by Russian troops are said to be of frequent occurrence.

The Russian Government show every disposition to apologize and give satisfaction for these illegal acts, and it may therefore be inferred that they are referable solely to the demoralization and want of discipline which now characterize the Russian army.

I have, &c.

(Signed) BLOOMFIELD.

No. 146.

Sir A. Buchanan to Earl Russell.—(Received April 13.)

My Lord, *Berlin, April 11, 1863.*

WITH reference to your Lordship's despatch of the 8th instant, I have acquainted M. de Bismarck with your Lordship's wish to learn the fate of the four persons referred to in my despatch of the 4th instant, who were arrested some weeks ago at Thorn, and sent across the Polish frontier; and whether any other persons delivered up by Prussia have been put to death by the Russian authorities; and also whether, under the Convention of 1857,* political refugees from Russian Poland must, according to the terms of the Convention, be delivered up by Prussia on the demand of Russia.

With regard to the first of these inquiries M. de Bismarck said that he felt convinced the persons first referred to, those arrested at Thorn, had not been put to death, but he could not give me any precise information as to their fate; and other persons to whom I have applied for information, while sharing M. de Bismarck's conviction, appeared to be equally ignorant. I am assured, however, that inquiries will be made upon the subject, and that if any Prussian authority can give the information which I have asked for, it will be communicated to me.

M. de Bismarck knew nothing positively of the fate of the two officers referred to in my despatch of the 4th instant who had been delivered up to Russia, but he presumed that the one who had been guilty of murder would be executed, and that the other having been accused merely of desertion, would be sent to serve as a private in the Caucasus—the usual punishment awarded to officers of the Russian army for the offences of which they may have been guilty.

With respect to the Convention of 1857, M. de Bismarck said that its provisions were, in his opinion, so elastic that they might include persons accused of any crime or misdemeanour, and that political offences, which were crimes against the State, could not afford any ground of exemption; and that as one object of the Convention had been to prevent Russian subjects from crossing into Poland on the eve of a recruitment, the greatest possible latitude had been given to the right of Russia to claim the extradition of all persons who were liable to military service. He said that almost all persons, therefore, leaving Russia might be claimed under that category.

M. de Bismarck added that there was another Convention which had been entered into between Austria, Russia, and Prussia in 1834, and which, having never been abrogated, was still in force, if Russia thought fit to appeal to it, by which the three Powers are mutually bound to deliver up to each other refugees who may have been guilty of high treason or crimes against the State, including individuals belonging to Associations of a revolutionary character. His Excellency believed, however, that Russia would not avail herself of this right, and she had not addressed any demands either to Austria or Prussia for the extradition of the refugees who had escaped from Poland.

I inclose a copy of this Convention, with a translation by Mr. Morier, for your Lordship's information, and I also inclose a statement, with a translation by Mr. Jocelyn, copied into the Berlin newspapers from the "Cologne Gazette," which professes to contain the instructions sent to General Werder, the Commander-in-chief at Posen, as to the treatment and disposal of all persons crossing from Poland into Prussia.

I have inquired of M. de Bismarck whether the contents of this document are authentic; but he professed to be unacquainted with them, and not to be, therefore, able

* See Appendix.

to answer my inquiry, though he said some arrangements must have been made by the Departments interested as to the manner in which the numerous Russian refugees and Prussian subjects escaping from the ranks of the insurgents into Posen should be disposed of, and as to the localities where their respective cases should be duly investigated.

Should these instructions be genuine, and not ingeniously invented to excite ill-feeling against the Prussian Government, they would seem to imply, on the part of the latter, the intention not only of delivering up to Russia all such individuals as Russia has a right to claim, but likewise that of forcing back upon Russia those that she does not claim, and against whom no criminal charge lies. It is, at least, difficult to see what other interpretation can be given to the wording of the paragraph respecting Category C of the persons arrested, which states that such persons as are not liable to military service in Russia, and against whom no charge can be brought, are to be treated according to Article XXIII of the Cartel Convention of 1857. By referring to this paragraph of the Convention in question, of which I only obtained a copy this morning after I had last seen M. de Bismarck, I find that it invests each of the Contracting Parties with the right of compelling the other Contracting Party to take back all individuals being subjects of the latter who may have crossed into the territory of the former : "Chacun des deux Etats s'oblige à reprendre ceux de ses propres sujets dont l'autre Etat voudrait se débarrasser," &c., &c.

Should these instructions, therefore, be literally carried out, all Russian subjects whatever crossing into Prussia during the period of the insurrection in Poland, might come ultimately to find their way back into Russia—the suspected at the demand of Russia, the unsuspected at the demand of Prussia.

I shall not fail at the earliest opportunity again to call M. de Bismarck's attention to these instructions, and to ask his Excellency, in the event of their being genuine, whether it is the intention of the Prussian Government to carry them out in their full vigour.

I have, &c.

(Signed) ANDREW BUCHANAN.

Inclosure 1 in No. 146.

Extract from the "National Zeitung" of April , 1863.

(Translation.)

THE Minister of War has communicated, according to the "Cologne Gazette," the following order to General von Werder respecting the treatment of the Polish fugitives :—

"The following measures have been determined upon by the Ministry of the Interior and the Ministry of War, for the treatment of the Russian subjects who cross the frontier from Russian Poland to Prussian territory, in so far as they do not belong to the Russian army.

"1. On the whole, the provinces of the Prusso-Russian Cartel Convention of $\frac{8 \text{ August}}{27 \text{ July}}$, 1857, are to be followed in the treatment of such persons as have crossed the frontier.

"2. When it is not possible to send back those persons immediately upon their crossing the frontier, they are to be considered as arrested, and are to be conducted under a military escort to the fortress which may lie nearest to the point where they crossed the frontier.

"In the first instance, the fortresses of Graudenz, Posen, Neisse, and Kosel are to be used for this purpose ; and should these not prove sufficient, in the next place, those of Pillau, Weichselmünde, Danzig, Kustrin, and Schweidnitz.

"The above-named places are capable of affording the following accommodation:—

"(Here follow the numbers, amounting to 68 "chamber prisoners," and 2,680 ordinary ones.)

"4. The examination of the persons who have crossed the frontier is to be made as soon as possible after their arrest, in order to determine their individual circumstances, and the particular object they had in crossing.

"The information thus obtained will be followed by a classification of the prisoners, according to which the manner of their delivery (to Russia), and the reclamation of the various expenses incurred, are to be determined.

"5. The classes into which they will be divided comprise—(*a*), the insurgents who are to be treated according to the provisions of Articles XV and XVII of the Cartel Convention (because they have committed a crime or offence in Russia) ; (*b*), non-insurgents, but persons of an age to serve in the army, to whom Articles I to IX of the Cartel Convention are to be applied ; (*c*), those who are not liable to military service,—unsuspicious persons, who are to be treated in accordance with Article XXIII.

"6. Those persons who have been escorted to the fortresses are to be treated and guarded in the same military way, until they are delivered up, as is prescribed for the individuals belonging to the penal companies ("Straf-Abtheilungen") (of the Prussian army).

"7. Those of thepersons who have crossed that belong to the higher classes are to be all conducted to the fortress of Posen, and there to be treated as "chamber prisoners" ("Stubengefangene"), because the authorities of that place alone possess the necessary material for their proper examination.

"The more detailed orders as to the subsistence of such as have crossed the frontier will be issued by the Department of the Commissariat, and the orders to the Military Commandants by the General Department of War."

A copy of this regulation has been transmitted to the head-quarters of the 1st, 3rd, 5th, and 6th Corps d'Armée, and your Excellency is charged with the carrying out of any further measures required for putting the above instructions into execution. The chief Presidencies have received analogous instructions from the Minister of the Interior.

Inclosure 2 in No. 146.

Convention between Austria, Prussia, and Russia, signed March 15, 1834.

(Translation.)

WE, Frederic William, by the grace of God, &c. &c., King of Prussia.

The better to confirm the relations of amity and good neighbourhood existing between us and their Majesties the Emperor of Austria and the Emperor of Russia, King of Poland, and between our respective States, and in view of the common interest of the three Powers to maintain quiet and legal order in the Polish provinces subject to their several authority, we have come to the following agreement with their Majesties.

Whoever shall have been guilty in the Prussian, Austrian, and Russian States of the crime of high treason ("lèse-majesté"), or armed rebellion ("Empörung"), or shall have allowed himself to join any association directed against the Throne or the Government, shall find neither protection nor asylum in any of the three States.

The three Courts, on the contrary, bind themselves to order the immediate surrender of any individual charged with any of the above crimes, whenever he shall be claimed by the Government to which he belongs.

It is understood, however, that these resolutions have no retrospective force.

Having agreed with His Majesty the Emperor of Austria and His Majesty the Emperor of Russia, King of Poland, that the above arrangements shall be brought to the knowledge of the public in the three States, this, so far as we are concerned, takes place by these presents, whilst we further charge all our civil and military authorities to see to their full execution from the 1st of April of the present year.

Given under our hand and seal.

(Signed) FREDERICK WILLIAM.

(Signed) Von Bremer. Von Kampz.
Muhler. Anillon.

No. 147.

Lord Napier to Earl Russell.—(Received April 6.)

My Lord, *St. Petersburgh, March* 31, 1863.

WHEN I had the honour of seeing Prince Gortchakoff the day before yesterday, his Excellency showed me an extract of an English newspaper, containing an account of the barbarous treatment reported to have been inflicted on Mr. Finkenstin, a British subject, by a detachment of Russian soldiers, under whose charge that gentleman was being conveyed in Poland, when they were suddenly attacked by a detachment of insurgents.

The Vice-Chancellor stated his hope and belief that the statement was erroneous or exaggerated, but he informed me that he would instantly refer the subject to Poland for inquiry.

I have, &c.
(Signed) NAPIER.

No. 148.

Lord Napier to Earl Russell.—(*Received April* 14.)

My Lord, *St. Petersburgh, April* 1, 1863.

THE Chargé d'Affaires of Spain informs me that he has addressed Prince Gortchakoff, on the part of his Government, in regard to the affairs of Poland. The sentiments of the Cabinet of Madrid on this subject are embodied in the form of a despatch to to M. Diaz, and merely contain a recommendation to pursue a conciliatory and merciful course. The Spanish Government cites its own experience of civil wars, and remarks that popular discontents cannot be suppressed by severity alone. The intervention of the Spanish Government is not justified on the grounds of the Treaty of Vienna.

M. Diaz read the despatch of his Government to the Vice-Chancellor, and left a copy of it in his Excellency's hands.

Prince Gortchakoff merely remarked that insurrections could not be quenched by clemency alone.

I have, &c.
(Signed) NAPIER.

No. 149.

Lord Napiet ro Earl Russell.—(*Received April* 14.)

My Lord, *St. Petersburgh, April* 2, 1863.

MARQUIS PEPOLI called on me this afternoon, and communicated to me the instructions under which he has been acting in reference to the affairs of Poland.

His Excellency imparted to me a despatch addressed to him by M. Pasolini, under date of March 7, in the following sense.

The Italian Minister begins by stating that manifestations of sympathy had been made in Italy for the Polish cause, which the Government had confined within the limits of legality and respect to foreign Governments. He then proceeds to say that the Italian Government having thus scrupulously executed its international obligations has another task to fulfil, namely, to express the lively hope of the Italian people that the Emperor Alexander will efface the recollection of the recent dreadful scenes of which Poland has been the theatre, by a conspicuous act of magnanimous clemency.

The Italians have such a lively memory of all they suffered before attaining their national unity that they cannot contemplate the sanguinary insurrections and the sanguinary acts of authority in Poland without deep emotion; Prince Gortchakoff will, therefore, think it natural on the part of the Italian Government to express their confidence that the Emperor will persevere in the course of concessions and reforms so unhappily interrupted by the revolt. Poland will be an element of prosperity and power to Russia if left in possession of its religion, its language, and institutions similar to those granted by Alexander I, and consecrated by Treaty. By following this course the reigning Emperor may solve the formidable problem of reconciling two nations separated by faith and history, but united by an affinity of race. If declarations in this sense have been made by the Russian Government before the arrival of Marquis Pepoli at St. Petersburgh, his Excellency will express the grateful satisfaction of the Italian Government; if not, he will find in this instruction the basis of his language to the Vice-Chancellor, and he will unite his councils with the efforts of the Representatives of England and France in the same sense.

A second instruction is addressed to Marquis Pepoli on the 21st of March by which his Excellency is again directed to associate himself with his French and English colleagues in their representations on behalf of Poland.

Marquis Pepoli has spoken to Prince Gortchakoff in the sense desired by his Government, but has not placed in his Excellency's hands copies of the instructions addressed to him. He was not instructed by his Government to do so.

The Vice-Chancellor has informed the Italian Minister that when resistance in Poland has ceased, an amnesty will be granted, excluding only the chief leaders of the movement; but he has not held out to Marquis Pepoli any hope that the Emperor will grant a general Representative Constitution, though His Majesty will persevere in the course of administrative reforms already commenced.

Marquis Pepoli has stated to me that he will be happy to co-operate with me in any representation which I may be instructed to make on behalf of Poland, with this reservation however, that he cannot cite the stipulations of the Treaty of Vienna, to which his

country in its present form was not a party, and which were framed to the prejudice of France and Italy. His Excellency also points out a certain discrepancy between the instructions addressed to him and to myself; he is charged to recommend the concession of institutions analogous to those granted by Alexander I, and a perseverance in the course inaugurated by Alexander II, while I am charged to recommend distinctly the restoration of the Constitution of the Emperor Alexander I.

I said to Marquis Pepoli that I was not enabled to state that Her Majesty's Government regarded the Statute of 1815 as the only possible and useful realization of the engagements of the Treaty of Vienna. Her Majesty's Government had, perhaps, mentioned that Constitution, and expressed a preference for it as one which had been approved by experience, and which sufficiently fulfilled the stipulations of Treaties; but I presumed Her Majesty's Government would be satisfied with a Representative Constitution for the Kingdom of Poland, securing to the people substantial liberties, and the expression of their national sentiments. On this point, however, I was not exactly informed.

I have, &c.

(Signed) NAPIER.

No. 150.

Lord Napier to Earl Russell.—(Received April 14.)

(Extract.) *St. Petersburgh, April* 4, 1863.

I HAVE the honour to inclose an extract of the official journal of this date, stating that an Imperial Decree has been issued conferring on General Berg all the powers belonging to the office of Viceroy of Poland during the temporary absence of the Grand Duke.

Inclosure in No. 150.

Extract from the "Journal de St. Pétersbourg" of April 4, 1863.

PAR un Oukase du $\frac{19}{31}$ Mars courant, adressé au Sénat dirigeant, Sa Majesté l'Empereur a daigné ordonner qu'en cas d'absence momentanée de Son Altesse Impériale le Grand Duc Constantin Nicolaïévitch, le Général d'Infanterie, Aide-de-camp Général Comte Berg, nommé adjoint de Son Altesse Impériale comme Commandant-en-chef des troupes dans le Royaume de Pologne, assumera tous les devoirs incombant à Son Altesse Impériale comme Namiestnik du Royaume.

(Translation.)

BY an Ukase of the $\frac{19\text{th}}{31\text{st}}$ March of this year, addressed to the Administrative Senate, His Majesty the Emperor has deigned to command that, in the event of the absence for the time being of His Imperial Highness the Grand Duke Constantine Nicolaiewitch, the General of Infantry, Aide-de-camp General Count Berg, nominated colleague of His Imperial Highness as Commander-in-chief of the troops in the Kingdom of Poland, will undertake all the duties appertaining to His Imperial Highness as Namiestnik of the Kingdom.

No. 151.

Lord Napier to Earl Russell.—(Received April 14.)

My Lord, *St. Petersburgh, April* 5, 1863.

THE first signal of patriotic agitation against Poland has been given. The Assembly of Nobility of the Government of St. Petersburgh have adopted by acclamation the accompanying Address to the Emperor, expressive of their determination to support the integrity of the Empire. In case of intervention or menace from abroad, this spirit will run very high. In the Polish question all the national and religious passions of the Russian people are touched. The recruits in the Russian provinces are coming in with unusual alacrity, and go off under the impression of an impending "holy war."

I was not present when the Address of the Assembly was adopted, but I am informed that there was a scene of enthusiasm, in which the feeling of devotion to Russia was, no doubt, at least as strong as that of devotion to the Sovereign. It is not so much the insurrection in the Kingdom of Poland which arouses the indignation of the Russians as the alleged views of the Poles on the frontier provinces, extending even to the sacred mother city of Kiev.

The frontier provinces are the traditional battle-ground and debateable land between the Polish and Russian nations. They will never be relinquished by Russia without a mortal struggle.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 151.

Address.

(Translation.)

THE nobility of the Government of St. Petersburgh, being animated by an ancient devotion to the Throne and to their native country, consider it to be their sacred duty solemnly to express to you, Sire, the sentiments by which they are inspired. The pretensions of the Polish insurgents to the possessions of Russia fill us with grief and indignation. Our enemies conceive the era of the great reforms undertaken by you for the happiness and welfare of the State is a favourable one for their attacks against the integrity of the Russian Empire, but they are deceived: the nobility, tried in devotion and abnegation, and sparing neither exertion nor sacrifice, will, in connection with all the orders of the nation, know how to take its stand firmly and immoveably in defence of the territory of the Empire. Let the enemies of Russia know that the spirit of our ancestors lives in us,—the spirit which succeeded in establishing the unity of our beloved country.

No. 152.

Lord Napier to Earl Russell.—(Received April 14.)

My Lord, *St. Petersburgh, April* 6, 1863.

I HAVE the honour to transmit to your Lordship herewith an Imperial Decree having reference to the sequestration of the property of persons in the Russian provinces bordering on Poland concerned in the prevailing insurrection.

The sequestration or confiscation of property in consequence of political offences has in it much that is afflicting and repugnant to our feelings, for such a measure never fails to affect the happiness of many innocent persons; and moreover, in this case, the act may be construed to affect a very numerous class who have many claims on our sympathy. Nevertheless I do not see on the face of the Decree any feature of severity which has not often found a place in the legislation of other States under similar circumstances.

The sequestration is to be imposed on the possessions of persons actually guilty of sedition or rebellion; some provision is made for the support of the families of the parties concerned, and the measure stops short of confiscation. The Government reserves to itself to make a definite settlement at the close of the disturbances.

What may be feared is, that under the exercise of martial law in a period of great excitement, and in the hands of Russian functionaries, the guilt of parties accused may be very lightly assumed, and that many abuses may be practised.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 152.

Extract from the "Journal de St. Pétersbourg" of April 5, 1863.

Règlement concernant la Mise sous Séquestre des Biens des Individus impliqués dans les Désordres dont les Gouvernements limitrophes du Royaume de Pologne ont été le théâtre, et pour la gestion de ces biens.

Sect. 1. LA complicité aux désordres qui ont éclaté dans quelques parties des Gouvernements de l'Ouest entraîne une responsabilité dont les effets s'étendent sur les personnes comme sur les biens des coupables.

Sect. 2. Les biens des personnes qui ont pris part aux désordres sont mis sous séquestre, à la diligence de l'autorité locale supérieure, afin de garantir la responsabilité matérielle encourue par elles.

Sect. 3. Peuvent être placés sous séquestre les biens appartenant à l'individu complice des désordres et qui se trouvent dans l'empire, tels que : immeubles de toute nature, biens meubles et capitaux en billets de la banque, actions et obligations non exemptées du séquestre par des dispositions positives des lois générales, ainsi qu'en argent comptant et en titres de créances.

Sect. 4. Peuvent également être placés sous séquestre les biens de toute nature dont l'individu complice des désordres jouit à titre d'usufruitier temporaire ou viager, en vertu d'actes ou de documents quelconques.

Sect. 5. Les biens séquestrés sont mis à la disposition de la Chambre Locale des Domaines de l'Empire.

Sect. 6. Les maisons situées dans les villes et placées sous séquestre peuvent être confiées à l'administration de la municipalité locale.

Sect. 7. La remise du bien séquestré et de tous les titres qui s'y rapportent à la personne chargée de l'administration du séquestre est faite par un fonctionnaire de la police locale ou tout autre à la nomination de l'autorité supérieure de la province, d'après un inventaire dressé sur papier libre, en présence de deux témoins dignes de foi. Il est loisible au propriétaire, aux membres de sa famille qui se trouvent sur les lieux, ou au gérant du bien, d'assister à cette remise.

Sect. 8. On n'inscrit point dans l'inventaire les objets que les lois générales permettent de laisser à la disposition des débiteurs en faillite lorsque l'on dresse inventaire de leurs effets mobiliers.

Sect. 9. Les biens d'un individu complice des désordres, qu'il possède par indivis avec d'autres, sont laissés à l'administration des autres co-propriétaires non impliqués dans les désordres ; toutefois, dans cette occurrence, le fonctionnaire chargé de faire la remise du bien, de concert avec celui qui a mission de le recevoir, vérifient exactement le revenu que produit le bien, et exigent des co-propriétaires entre les mains de qui la gestion en est laissée, l'engagement écrit de verser à la Chambre des Domaines de l'Empire, à l'expiration de chaque semestre, la part des revenus à laquelle aurait droit le complice des désordres.

Sect. 10. Les biens ci-dessus, tenus à bail par des fermiers non impliqués dans les désordres, en vertu de contrats non sujets à litige et conclus avant la sanction du présent règlement, seront laissés entre les mains de ces fermiers mais ces derniers prendront l'engagement par écrit de verser à la Chambre des Domaines de l'Empire le prix de leurs fermages aux echéances fixées par les baux.

Sect. 11. Le Ministre des Domaines de l'Empire munira les Chambres placées sous son autorité d'une instruction détaillée sur tout ce qui concerne l'administration économique des biens séquestrés et la comptabilité de cette administration.

Sect. 12. Toutes les dépenses d'administration des biens séquestrés seront imputées sur leurs revenus.

Sect. 13. Les revenus produits par un bien séquestré servent à effectuer à leurs échéances tous les payements dus pour emprunts aux établissements de crédit et au capital provenant des Jésuites, de même que pour les redevances à l'Etat et les redevances provinciales, et à satisfaire à toutes les créances particulières basées sur des titres légaux certains, délivrés avant la sanction du présent règlement.

Sect. 14. Défalcation faite de tous les payements et des dépenses d'administration du bien, nécessaires et autorisés par le présent règlement, le reliquat des revenus est transmis à la Banque de l'Etat ou à ses succursales, pour y être placé à intérêt.

Sect. 15. Le propriétaire et sa famille quittent le bien séquestré ; toutefois, si les membres de sa famille n'ont pas participé aux désordres et que, ne possédant pas de propriétés distinctes, ils manquent de moyens d'existence, l'autorité locale supérieure pourra leur faire donner, pour leur entretien, une partie du revenu net restant après défalcation de tous les payements et dépenses incombant au bien et autorisés par le présent règlement.

Sect. 16. Le séquestré sera maintenu jusqu'aux dispositions à intervenir après la répression définitive des désordres ; toutefois si, avant cette époque, il était reconnu que l'imputation de complicité aux désordres élevée à l'égard du propriétaire du bien séquestré n'était pas fondée, le séquestre sera immédiatement levé à la diligence de l'autorité locale supérieure, et le bien sera rendu au propriétaire avec tous ses revenus, défalcation faite des payements et dépenses effectués en vertu du présent règlement.

(Translation.)

REGULATIONS relative to the sequestration of the property of the individuals implicated in the disorders of which the Governments bordering on the Kingdom of Poland have been the theatre, and for the management of such property.

Section 1. Complicity in the disorders which have burst forth in some parts of the Governments of the West involves a responsibility whose effects extend to the persons as well as to the property of the culprits.

Sect. 2. The property of the persons who have taken part in the disorders is sequestrated, at the suit of the local superior authority, in order to guarantee that they shall have incurred a material responsibility.

Sect. 3. The goods appertaining to the individual having a share in the disorders, and and which lie within the Empire, liable to be sequestrated, are of the following kinds:— Fixtures of every sort, household goods, and stock in notes of the bank; deeds and obligations not exempted from sequestration by special dispositions under the general laws, as well in current coin as in letters of credit.

Sect. 4. Likewise may be sequestrated possessions of all kinds which the individual implicated in the disorders enjoys by the title of temporary, usufructuary, or life annuitant, in virtue of any deeds or documents whatsoever.

Sect. 5. The sequestrated property is placed at the disposal of the Local Chamber of the Domains of the Empire.

Sect. 6. The houses situated in the towns and placed under sequestration can be entrusted to the administration of the Local Municipality.

Sect. 7. Delivery of the sequestrated property, and of all the titles relating to it, and the person charged with the administration of its sequestration, is made by an officer of the local police, or any other person nominated by the superior authority of the province, according to an inventory drawn up on unstamped paper in presence of two trustworthy witnesses. It is lawful for the proprietor, for the members of his family who are on the spot, or for the manager of the property, to assist at this delivery.

Sect. 8. The objects which the general laws permit to be left at the disposal of the debtors in cases of bankruptcy are not entered in the inventory when an inventory of their moveable goods is drawn up.

Sect. 9. The goods of an individual implicated in the disorders which he possesses with others indivisibly, are left to the administration of the other co-proprietors not implicated in the disorders; still, in such event, the functionary charged with making the delivery of the property, in concert with him whose duty it is to receive it, verify exactly the revenue which forms the value of the property, and exact from the co-proprietors, in whose hands the management is placed, a written engagement to pay to the Chamber of the Domains of the Empire, at the close of every half-year, the portion of the revenues to which the sharer in the disorders would have a right.

Sect. 10. The above possessions farmed by persons not implicated in the disorders, in virtue of contracts, not being under litigation, and concluded previously to the present regulations being sanctioned, will be left in the hands of such farmers; but the latter shall make an engagement, in writing, to pay to the Chamber of the Domains of the Empire the price of the property farmed by them at the terms fixed in the leases.

Sect. 11. The Minister of the Domains of the Empire will furnish the Chambers placed under his authority with detailed instructions upon all that relates to the economy of administration of the sequestrated goods and the accounts of such administration.

Sect. 12. All the expenses of administration of the sequestered property will be charged upon its revenues.

Sect. 13. The revenues produced by property become sequestrated go to liquidate, upon their falling due, all the payments due for loans to credit establishments, and to the fund arising from the Jesuits, as well as for the rents due to the State and the Provincial rents, and to meet all private obligations based upon assured legal titles, drawn out before the sanctioning of the present Regulations.

Sect. 14. Should defalcation be made of all the payments and of the expenses of administration of the property necessary, and authorized by the present Regulation, the remnant of the revenues shall be remitted to the State Bank and its branches, to be put to interest.

Sect. 15. The proprietor and his family must leave the sequestered property; yet if the members of his family have not participated in the disorders, and having no other property, are in want of the means of life, the local superior authority may grant them for their support a part of the net revenue remaining after defalcation of all the payments and expenses attaching to the property, and authorized by the present Regulations.

Sect. 16. The property sequestered until the dispositions following upon the definitive repression of the disorders shall be introduced; still, if before that time it should be found that the imputation of complicity in the disorders laid upon the proprietor of it is unfounded, the sequestration shall be immediately raised at the suit of the local superior authority, and the property shall be returned to the owner, with all its revenues, deduction being made of the payments and expenses effected by virtue of the present Regulations.

No. 153.

Lord Napier to Earl Russell.—(Received April 14.)

My Lord, *St. Petersburgh, April* 6, 1863.

THE Vice-Chancellor requested me to call on him this afternoon. His Excellency showed me a despatch which he had addressed to the Russian Minister at Madrid, in reply to the instructions placed in his Excellency's hands by the Spanish Chargé d'Affaires here, as reported to your Lordship in my despatch of the 1st April.

In his reply to the Spanish letter, the Vice-Chancellor remarks that the experience of the Government of Her Catholic Majesty must have shown them that the first duty of every Government, in the event of insurrection, is to restore authority, and to protect peaceful citizens in their lives and property and their industry; but that after the cessation of resistance, it was the purpose of the Emperor to use that clemency which was so congenial to Her Majesty's character. The tone of the letter is, on the whole, friendly.

I asked Prince Gortchakoff whether he had made any reply to the representations of the Italian Government. The Vice-Chancellor replied that the verbal remarks of Marquis Pepoli had been so slight and occasional that he had hardly thought himself called upon to take much notice of them.

He had observed to the Italian Representative that the Government of Russia did not interfere in the affairs of Italy. I asked Prince Gortchakoff whether Marquis Pepoli had not recommended the restoration of representative institutions in Poland. The Vice-Chancellor answered that the Italian Minister might have spoken in that sense, but his reflections were of a very informal character.

I have, &c.
(Signed) NAPIER.

No. 154.

Lord Napier to Earl Russell.—(Received April 14.)

My Lord, *St. Petersburgh, April* 6, 1863.

THE Vice-Chancellor obligingly showed me this afternoon a letter from Baron Brunnow, in which his Excellency comments upon the operations of the Poles in England and of their partizans. Baron Brunnow reports that recruiting is openly carried on at various localities in London for the Polish cause, and that vessels are reported to be fitting out in the Mersey, one I presume at Liverpool, the other at Birkenhead, with cargoes of arms ostensibly for America, but really for the Baltic. The Polish recruits are concentrated at Gravesend.

Baron Brunnow also furnishes the Vice-Chancellor with the names of several English gentlemen who had formed themselves into a Committee on behalf of the Polish movement. These gentlemen, however, did not appear to me to be a very influential body.

Prince Gortchakoff was not able to inform me of the actual departure of more than one vessel from England on a hostile adventure, that, viz., of the "Ward Jackson," which, as your Lordship is aware, has been detained in Sweden. His Excellency remarked that he conceived Her Majesty's Government might surely interfere with greater energy to prevent recruiting, but he did not express himself with any resentment or impatience on the subject, having no doubt in view the inexorable deliberation and impartiality of our laws.

I have, &c.
(Signed) NAPIER.

No. 155.

Lord Napier to Earl Russell.—(*Received April* 14.)

My Lord, *St. Petersburgh, April* 6, 1863.

I REMARKED to Prince Gortchakoff this afternoon that it would be very agreeable to me if I could convey to Her Majesty's Government some conciliatory communication respecting the designs of the Imperial Government in Poland. I had understood from the French Ambassador that the military recruitment had been abandoned, but I had no distinct authority for such a statement, and the Duke de Montebello did not seem to know exactly in what his belief was founded.

The Vice-Chancellor replied that he could not give categorical replies on such a subject at the demand of Foreign Ministers. A reply had been already returned on the communications of Her Majesty's Government. I knew from him generally, and from other sources, what were the benevolent intentions of the Emperor. In regard to the recruitment, his Excellency added that the recruitment was over. The order of recruitment bore that it was to be carried into effect from such a date to such a date; the period was passed; there was no further ground for raising more men; none, in fact, were raised.

I asked Prince Gortchakoff whether I should be justified in stating to your Lordship that the period of recruitment would not be extended or renewed, and that no more people would be levied under that enactment.

The answer of the Vice-Chancellor was not very distinct. He did not avow that the Government had taken any resolution on the subject, but he left me under the impression that it was not intended to carry the system further, and that the Law of 1859, or some similar law, would be hereafter the rule of military conscription in Poland.

The Vice-Chancellor informed me that he had telegraphic intelligence of the arrival of Count Berg at Warsaw.

I have, &c.
(Signed) NAPIER.

No. 156.

Mr. Jerningham to Earl Russell.—(*Received April* 14.)

(Extract.) *Stockholm, April* 6, 1863.

I HAD the honour to receive, on the 4th instant, your Lordship's despatch of the 4th ultimo, regarding a joint representation to the Government of Russia in favour of Poland.

Having, in compliance with your Lordship's instructions, communicated that despatch and its inclosure to Count Manderström, his Excellency said that he would consult the King, and make known the Government's decision upon the subject as soon as possible.

No. 157.

Earl Cowley to Earl Russell.—(*Received April* 15.)

(Extract.) *Paris, April* 14, 1863.

I CALLED yesterday upon M. Drouyn de Lhuys for the purpose of ascertaining two points:—

First, whether the knowledge that the Russian Government had promised an amnesty to the Poles who should return to their allegiance before the 1st of May, old style, with an assurance that the Emperor would maintain the new institutions which he had lately granted to Poland, had made any difference in the opinion of the French Government with respect to the transmission to St. Petersburgh of the three despatches from the British, French, and Austrian Cabinets.

Secondly, whether any communication has been made to his Excellency from Vienna, requesting that the three notes to be addressed to Prince Gortchakoff by the Representatives of Great Britain, France, and Russia, covering copies of the said despatches, should be in the first person, instead of the third, as originally agreed to.

With respect to the first point M. Drouyn de Lhuys said that the promise of an amnesty was nothing new; that the Emperor of Russia had from the first declared that he would grant one whenever circumstances would permit of it; but he (M. Drouyn de Lhuys) must remark, that on the day on which the Ukase of amnesty had been signed, there had appeared another at St. Petersburgh, putting a sequester on the property of those who had joined the insurrection. Then as to the new institutions which were to be maintained, his Excellency must observe that it was under these very institutions that the obnoxious act of conscription which had led to the present insurrection had been perpetrated. There was nothing, therefore, in these promises which in his opinion rendered the transmission of the three despatches less desirable than before.

As to the alteration suggested by Count Rechberg in the note of transmission, M. Drouyn de Lhuys said that he had heard nothing of it, but that whether the note was to be written in the first or third person was the same to him.

Later in the day his Excellency wrote to me to say that the Duc de Grammont had apprized him of Count Rechberg's wish, and he had therefore authorized the Duc de Montebello to adopt the formula of the Austrian Chargé d'Affaires.

No. 158.

Lord Bloomfield to Earl Russell.—(Received April 16.)

My Lord, *Vienna, April* 14, 1863.

THE active participation of foreigners in the Polish movement has seriously attracted the attention of the Austrian authorities, and the Governor of Galicia has issued a notice warning Austrian subjects against taking part in the insurrection, and assisting the emissaries of revolution.

I have the honour to inclose, for your Lordship's information, a translation, by Mr. Barrington, of this notice.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 158.

Notice published at Lemberg by Count Mensdorff Pouilly, Governor of Galicia, dated April 10, 1863.

(Translation.)

FOREIGNERS mostly are occupied here with increased zeal on behalf of the insurrection in Russian Poland, in recruiting men, raising money, and affording other means of resistance.

But Austrian subjects too take part in these proceedings, either by actively assisting these emissaries of the revolution or else, if not themselves engaged, by forwarding material support to the insurgents.

The Provincial Government, finding that the warning published on the 15th of March last has not been generally observed, now imposes the duty upon its agents to put a stop to these illegal proceedings by all the means at their disposal, and by the exercise of the utmost rigour of the law, in order to preserve both the population and the country from useless sacrifices.

No. 159.

Lord Bloomfield to Earl Russell.—(Received April 16.)

My Lord, *Vienna, April* 14, 1863.

ON the receipt of your Lordship's despatch of the 9th instant, I lost no time in waiting on Count Rechberg.

I read to him the draft of your Lordship's despatch to Lord Napier on the affairs of Poland, and left a copy of the same with his Excellency.

He thanked me for the communication, and said that he was only waiting for it to send off his messenger to St. Petersburgh, who would be the bearer of the Austrian despatch already known to your Lordship.

I have since learnt that the messenger started on Sunday night.

I have, &c.
(Signed) BLOOMFIELD.

No. 160.

Lord Napier to Earl Russell.—(Received April 18.)

My Lord, *St. Petersburgh, April* 12, 1863.

THE official newspaper of this morning contains the inclosed Manifesto offering a free pardon to all parties who have been concerned in the recent insurrection in Poland, saving those who shall continue in arms after the $\frac{1st}{13th}$ of May next. The only exceptions specified are persons guilty of other crimes, or such as have violated their military duty.

The maintenance of the institutions recently granted to Poland in all their integrity is promised, and the Emperor reserves to himself the duty of developing those institutions hereafter in conformity with the wants of the times and the country.

A separate Ukaze offers a similar amnesty to parties engaged in the disorders within the boundaries of the Western Governments of Russia. From the phraseology of the Decree some doubt might arise as to whether the proffered amnesty be intended to apply to those who have already been delivered over to justice, or only to those who are still in arms, and who may come in before the expiration of the term of grace. One of my colleagues informs me, however, that he knows from competent authority that the amnesty is intended to apply to both classes alike.

The Imperial Manifesto is conceived in a tone of humanity and clemency which is congenial to the character of the Emperor; a religious physiognomy is given to it, which we are familiar with in Russian documents of State; the sense of it is undoubtedly consistent with the interests of the Imperial Cabinet and with the wishes of Her Majesty's Government. We may regret that the discontents in Poland are simply referred to the instigations of foreign or exiled revolutionary agents—a statement which cannot be sincere, even on the part of the most zealous Russian; and that no mention is made of the military recruitment, which was the proximate provocation of the late revolt. The Russian Government might have used a bolder sincerity with advantage; they might have avowed an error which they feel, and have promised a remedy which they have in view.

This act of mercy has been appropriately promulgated on Easter Sunday. How far it has been prompted by the expectation of foreign intervention, I am not able to affirm with confidence. I am inclined to think that it may have been accelerated by such apprehensions, but it is also plainly consistent with policy, as well as with the benevolent disposition of the Sovereign.

I have, &c.
(Signed) NAPIER

Inclosure in No. 160.

Extract from the "Journal de St. Pétersbourg" of $\frac{\text{March 30 and 31}}{\text{April 11 and 12}}$ 1863.

St. Pétersbourg, le 31 *Mars,* 1863.

Manifeste Impérial.

DES la première nouvelle des désordres survenus dans le Royaume de Pologne. nous avons suivis l'impulsion de notre cœur en déclarant que nous ne rendions pas la nation Polonaise responsable d'une agitation funeste surtout à elle-même. Nous ne l'avons attribuée qu'aux excitations préparées depuis longtemps hors du pays par quelques individus auxquels de longues années d'une vie errante ont fait contracter des habitudes de désordre, de violence, et de complots ténébreux qui ont perverti chez eux les sentiments élevés d'amour pour l'humanité, et même inspiré la pensée de souiller par le crime l'honneur national.

Ces manifestations d'un autre âge, depuis longtemps condamnées par les arrêts de l'histoire, ne s'accordent plus avec l'esprit de notre époque. La génération actuelle doit avoir pour but de fonder le bien-être du pays, non par des torrents de sang, mais dans la voie du progrès pacifique.

C'est le but que nous nous sommes tracé lorsque, confiant dans la protection divine, nous avons fait devant Dieu et notre conscience le serment de consacrer notre vie au bonheur de nos peuples.

Mais pour accomplir dans toute son étendue ce serment, qui nous demeurera toujours sacré, nous avons besoin de l'assistance de tous les hommes de bien sincèrement dévoués à leur patrie et qui placent leur dévouement non dans des calculs intéressés ou des tentatives criminelles, mais dans le maintien du repos public, sous la sauvegarde des lois.

Dans notre sollicitude pour l'avenir du pays, nous sommes prêts à vouer à l'oubli tous les actes passés de rébellion. En conséquence, désirant ardemment mettre un terme à une effusion de sang aussi stérile pour les uns qu'elle est pénible pour les autres, nous accordons un pardon entier à tous ceux de nos sujets du Royaume impliqués dans les derniers troubles, qui n'auraient point encouru de responsabilité pour d'autres crimes ou des délits commis au service dans les rangs de notre armée, et qui jusqu'à la date du $\frac{1}{13}$ Mai déposeront les armes et rentreront dans l'obéissance.

C'est sur nous que repose l'obligation de préserver le pays du retour de ces agitations désordonnées et d'ouvrir une ère nouvelle à sa vie politique. Elle ne peut s'inaugurer que par une organisation rationnelle de l'autonomie administrative locale, comme fondement de tout l'édifice.

Nous en avons posé les bases dans les institutions octroyées par nous au Royaume; mais, à notre sincère regret, le résultat n'a pas encore pu en être soumis à l'épreuve de l'expérience, par suite des instigations qui ont substitué des entraînements chimériques aux conditions d'ordre public sans lesquelles nulle réforme n'est possible.

En maintenant encore aujourd'hui ces institutions dans leur intégrité, nous nous réservons, lorsqu'elles auront été éprouvées dans la pratique, de procéder à leur développement ultérieur selon les besoins du temps et ceux du pays. Ce n'est que par la confiance qu'il témoignera dans nos intentions que le Royaume de Pologne pourra effacer les traces des malheurs actuels et marcher sûrement vers le but que notre solicitude lui assigne. Nous invoquons l'assistance divine afin qu'il nous soit donné d'accomplir ce que nous avons toujours considéré comme notre mission.

(Signé) ALEXANDRE.

St. Pétersbourg, le 31 *Mars*, 1863.

(Translation.)

Imperial Manifesto.

SINCE the first news of the disturbances which have taken place in the Kingdom of Poland, we have followed the impulse of our heart in declaring that we did not consider the Polish nation responsible for an agitation which is, above all, fatal to herself. We have attributed it alone to external influences, that have long been brought to bear upon the country by certain parties who have contracted, during the long years of an adventurous life, habits of disorder, of violence, and of obscure plots, which have perverted in them the noble sentiments of love for humanity, and even inspired the idea of sullying by crime the honour of the nation.

These manifestations of another age, long since condemned by the judgment of history, are no longer in accordance with the spirit of our epoch. The object of the present generation should be to establish the welfare of the country, not by torrents of blood, but by the means of peaceful progress.

This is the object we have had in view when, trusting in the Divine protection, we made before God and our conscience the vow to consecrate our life to the happiness of our subjects.

But, in order to accomplish to its full extent this vow, which we shall always hold sacred, we need the assistance of all honest men who are sincerely devoted to their country, and who show their devotion not by interested calculations or criminal attempts, but by the maintenance of the public tranquillity under the protection of the laws.

In our solicitude for the future welfare of the country, we are ready to consign to oblivion all past acts of rebellion. Therefore, ardently desiring to put a stop to an effusion of blood, as useless as it is regrettable, we grant a free pardon to all those of our subjects in the Kingdom implicated in the late troubles who have not incurred the responsibility of other crimes or misdemeanours committed on service in the ranks of our army, and who may, before the $\frac{1st}{13th}$ May, lay down their arms and return to their allegiance.

It is upon us that the duty devolves of preserving the country from the recurrence of these turbulent agitations, and to inaugurate a new era of its political life. This can only commence by a rational organisation of the local administrative autonomy as a basis for the whole edifice.

We have already laid the foundations in the institutions granted by us to the Kingdom, but to our sincere regret the result has not yet had the opportunity of being submitted to the test of experience, in consequence of the instigations which have subsisted chimerical delusions for those conditions of public order without which no reform is possible.

Whilst continuing at present to maintain these institutions in their integrity, we reserve it to ourselves, when they shall have been proved by experience, to proceed to their further development in accordance with the requirements of the time and of the

country. It is only by confidence in our intentions that the Kingdom of Poland will be able to efface the traces of the present evils, and to advance surely towards the destiny which our solicitude assigns it. We invoke the Divine assistance that we may be permitted to accomplish that which we have ever considered to be our mission.

(Signed) ALEXANDER.

St. Petersburgh, March 31, 1863.

Oukase de Sa Majesté l'Empereur, adressé au Sénat Dirigeant, en date du 31 *Mars,* 1863.

LA rébellion depuis longtemps préparée sous main, et qui a enfin éclaté dans le Royaume de Pologne, a entraîné egalement des désordres dans quelques parties des Provinces occidentales de l'Empire. Les meneurs secrets du mouvement excité contre notre Gouvernement, s'opposant obstinément à la réalisation de nos intentions bienveillantes pour l'organisation des affaires du Royaume, se sont efforcés d'accroître les difficultés que nous rencontrions dans cette tâche, en élargissant le cercle de leurs entreprises criminelles et de leur pernicieuse influence. Dans ces vues, ils avaient depuis longtemps cherché à ébranler les sentiments de dévouement envers nous de nos fidèles sujets des Gouvernements de l'Ouest. Ils ont employé à cet effet les mêmes moyens qui, dans les limites du royaume, ont eu des suites déplorables quoique incomplètes. Enfin des bandes armées ont pénétré dans les frontières de l'Empire afin de propager dans les contrées de l'Ouest les troubles que n'avaient pu exciter ni les tentatives des émissaires de la révolution ni leurs appels clandestins à la révolte. Nos troupes ont dispersé les bandes qui se sont montrées dans les Gouvernements limitrophes du Royaume de Pologne. Leurs débris sont poursuivis dans les bois où ils ont cherché refuge. Cependant, malgré la folie d'une lutte sans espoir, les chefs continuent à consacrer tous leurs efforts afin d'entraîner les populations paisibles, et emploient dans ce but tantôt les promesses, tantôt les menaces et même la violence.

Ceux des habitants des Gouvernements de l'Ouest qui se sont réunis aux bandes rebelles et qui ont été pris par nos troupes, ou ceux dont la participation à la révolte a été constatée par tout autre moyen, sont livrés à la justice.

Mais nous savons que tous ne sont pas également coupables, et nous désirons leur donner les moyens de profiter de nos sentiments de clémence souveraine.

A cet effet, nous ordonnons que les autorités supérieures soient chargées de déclarer, dans les limites des localités qui leur sont confiées, que nous accordons un pardon entier et complet à tous les habitants des Gouvernements de l'Ouest impliqués dans ces désordres qui, n'ayant pas encouru de responsabilité pour d'autres crimes, rentreront dans l'obéissance avant le 1 Mai prochain.

Nous conservons l'espoir que cette faveur souveraine sera justement appréciée par les habitants bien pensants, et que, de leur côté, ils continueront de concourir au maintien de l'ordre et de la tranquillité publique, fermement convaincus que de cette condition dépend la réalisation des plans que depuis le commencement de notre régne nous avons conçus dans la pensée d'étendre les droits octroyés à tous nos fidèles sujets et d'élargir progressivement la sphère d'activité tracée aux diverses institutions locales dans notre Empire.

Le Sénat dirigeant est chargé de prendre les dispositions nécessaires en exécution du présent Oukase.

(Signé) ALEXANDRE.

St. Pétersbourg, le 31 *Mars,* 1863.

(Translation.)

Ukase of His Majesty the Emperor, addressed to the Administrative Senate, dated the 31*st of March,* 1863.

THE rebellion, so long secretly prepared, which has at length broken out in the Kingdom of Poland, has also caused disorders in some parts of the Western Provinces of the Empire. The secret agitators of the movement against our Government, obstinately opposing themselves to the realization of our benevolent intentions in regard to the organization of the affairs of the kingdom, have done their utmost to increase the difficulties which we have encountered in the accomplishment of this task, by extending the circle of their criminal enterprises and of their pernicious influence. With these objects in view, they had for some time past endeavoured to weaken the sentiments of devotion towards us of our faithful subjects of the Western Governments. For this purpose they have employed the same means which, within the Kingdom itself, have led to such disastrous though incomplete results. In short, armed bands have penetrated the frontiers of the Empire in order to propagate in the regions of the West those troubles which neither the emissaries of

the revolution nor their clandestine invitations to rebellion had been able to excite. Our troops have dispersed the bands which have appeared in the Governments joining the frontiers of the Kingdom of Poland. Their remnants have been pursued in the woods where they sought refuge. But notwithstanding the folly of a hopeless struggle, the chiefs continue to use their utmost efforts to excite the peaceful populace, and for this purpose they employ alternately promises and menaces, and even violence.

Those inhabitants of the Western Governments who have joined the rebel bands and who have been captured by our troops, and those whose participation in the revolt has been proved in any other manner, have been given up to justice.

But we are aware that all are not equally guilty, and we desire to give to those an opportunity of profiting by our sentiments of sovereign clemency.

To this end, we decree that the superior authority be charged to declare within the limits of the districts confided to them that we grant a free and entire pardon to all the inhabitants of the Western Governments implicated in these disorders, who, not having incurred the responsibility of other crimes, shall have returned to their allegiance before the 1st of May next.

We cherish the hope that this sovereign favour will be justly appreciated by all right-thinking inhabitants, and that on their side they will continue to assist in maintaining public order and tranquillity, firmly convinced that on this condition depends the realization of those plans which from the commencement of our reign we have conceived in the desire to extend the rights granted to our faithful subjects, and progressively to enlarge the sphere of activity allotted to the different local institutions included in our Empire.

The Administrative Senate is directed to take the necessary steps for the execution of the present Ukase.

(Signed) ALEXANDER.

St. Petersburgh, March 31, 1863.

No. 161.

Mr. Jerningham to Earl Russell.—(Received April 20.)

(Extract.) *Stockholm, April* 13, 1863.

REFERRING to your Lordship's despatch of the 6th instant, I have the honour to state that Count Manderström read to me to-day the despatch dated the 7th instant, which he had addressed to the Swedish Minister at St. Petersburgh on behalf of Poland, in consequence of the invitation contained in your Lordship's despatch of the 4th ultimo; and, as his Excellency mentioned that a copy of his despatch had been sent to London for communication to your Lordship, I need only add that Count Manderström observed that he had thought it better to abstain from entering into any particulars regarding Polish reform as your Lordship had done, since what might be advisable coming from England might be the contrary coming from Sweden; that, in fact, though he did not think Her Majesty's Government wrong to enter upon such details, he thought the Swedish Government right to abstain from them.

His Excellency said that a copy of his despatch had also been sent to Paris.

No. 162.

Lord Napier to Earl Russell.—(Received April 20.)

My Lord, *St. Petersburgh, April* 12, 1863.

I HAVE the honour to transmit to your Lordship herewith, in reference to my despatch of the 5th instant, an extract from the "Journal de St. Pétersbourg" of the 7th instant, containing the official translation of the address presented to the Emperor, by the Assembly of the Nobility of St. Petersburgh, in reference to the insurrection in Poland.

The same journal contains the speech delivered by Prince Suwaroff in closing the sittings of the Assembly.

The address of the Assembly having been presented to the Emperor by a deputation of that body, His Majesty returned a gracious reply, transmitted herewith, thanking the nobility for their patriotic declarations.

It may be regretted, I think, that the Emperor did not avail himself of this occasion to make use of some conciliatory expressions towards his Polish subjects, and to define his

intentions in regard to the institutions and liberties of Poland hereafter, in connection with Russia.

I have, &c.
(Signed) NAPIER.

Inclosure 1 in No. 162.

Extract from the "Journal de St. Pétersbourg" of April 7, 1863.

Adresse à Sa Majesté l'Empereur, votée à l'Unanimité par l'Assemblée de la Noblesse du Gouvernement de St. Pétersbourg, dans sa Séance du 22 Mars, 1863.

Très-gracieux Soverain,

LA noblesse du Gouvernement de St. Pétersbourg, inspirée par son dévouement séculaire au trône et à la patrie, considère comme un devoir sacré d'exprimer solennellement à votre Majesté les sentiments qui l'animent.

Les prétentions au patrimoine de la Russie, provoquées par les troubles de Pologne, excitent notre douleur et notre indignation.

Nos envieux se flattent de l'espoir que l'ère des réformes, inaugurée par votre Majesté pour le bonheur et la prospérité de l'Etat, sera favorable aux projets qu'ils forment contre l'intégrité de l'Empire.

Leur attente sera déçue.

La noblesse, qui s'est toujours signalée par son dévouement et son abnégation, indissolublement unie à toutes les classes de la nation, ne reculera devant aucun effort ni devant aucun sacrifice pour défendre, avec une inébranlable fermeté, les territoires de l'Empire.

Les ennemis de la Russie apprendront qu'il vit encore en nous ce puissant esprit de nos ancêtres qui a créé l'unité politique de notre patrie bien-aimée.

La Session de l'Assemblée de la Noblesse du Gouvernement de St. Pétersbourg a été close par le discours suivant de son Altesse le Prince Italiisky, Comte Souvorow-Rymniksky :—

"Messieurs,

"J'apprends que la Noblesse du Gouvernement de St. Pétersbourg a terminé la série de ses travaux par un acte solennel dans lequel elle a exprimé à Sa Majesté l'Empereur ses sentiments de fidélité et l'empressement qu'elle mettrait à répondre, si les circonstances l'exigeaient, au premier appel de notre auguste Maître pour la défense des droits sacrés qui garantissent l'intégrité de l'Empire.

"Cette voix, qui devait avant tout retentir dans la capitale, parviendra jusqu'aux confins les plus reculés de notre pays, et y réveillera l'écho d'une sympathie et d'un enthousiasme unanimes.

"Je ne toucherai pas, Messieurs, aux questions importantes qui ont formé l'objet de vos délibérations pendant la période de votre session ; je ne m'arrête qu'à l'événement le plus éclatant, Accompli dans l'enceinte de votre assemblée, que je déclare close et dont j'emporte le souvenir le plus satisfaisant."

(Translation.)

Address to His Majesty the Emperor, unanimously voted by the Assembly of the Nobility of the Government of St. Petersburgh, at the Session of March 22, 1863.

Most gracious Sovereign,

THE Nobility of the Government of St. Petersburgh, inspired by its ancient devotion to the Throne and to the country, consider it to be their sacred duty to express solemnly to your Majesty the sentiments which animate them.

The pretensions made to the patrimony of Russia, provoked by the troubles of Russia, excite our grief and our indignation.

Those who are envious flatter themselves that the era of reforms, inaugurated by your Majesty for the happiness and prosperity of the State, is favourable for projects which they form against the integrity of the Empire.

Their attempts will fail.

The nobility, which has always been remarkable for its devotion and its abnegation, and which is indissolubly united to all classes of the nation, will recoil at no exertion or sacrifice to defend with an unmoveable firmness the territories of the Empire.

The enemies of Russia will learn that there still lives among us that powerful spirit of ur ancestors which has created the political unity of our well-beloved country.

The Session of the Assembly of the Nobility of the Government of St. Petersburgh as closed by the following speech of His Highness Prince Italiisky, Count Souvorow-ymniksky :—

Gentlemen,

"I learn that the Nobility of the Government of St. Petersburgh have brought their bours to an end by a solemn act in which they have expressed to His Majesty the mperor their sentiments of fidelity and the readiness with which they would reply, if rcumstances demanded it, to the first appeal of our august master for the defence of the cred rights which guarantee the integrity of the Empire.

"This sentiment, which should above everything be heard in the capital, will reach the rthest confines of our country, and will awaken the echoes of our unanimous sympathy id enthusiasm.

"I will not allude, Gentlemen, to the important questions which have formed the subject your deliberations during the session; I confine myself to the most important event hich has taken place in this Assembly, which I now declare closed, and of which I shall rry away the most satisfactory remembrance."

Inclosure 2 in No. 162.

Extract from the "Journal de St. Pétersbourg" of April 10, 1863.

LE 26 Mars, à midi et demi, Sa Majesté l'Empereur à daigné recevoir au Palais Hiver la députation chargée de lui soumettre l'expression des sentiments de fidélité de la blesse de St. Pétersbourg.

Sa Majesté, visiblement émue, après avoir honoré de quelques paroles chacun des embres de la députation, a daigné leur dire ce qui suit :—

"Je vous remercie de cette adresse. Elle m'a procuré, dans les circonstances tuelles, un moment des plus agréables et des plus consolants. Comme gentilhomme, je rtage entièrement ces sentiments, et je suis persuadés qu'ils vous sont communs avec ute la noblesse Russe.

"J'espère que vous transmettez à vos enfants les mêmes sentiments dont vous m'avez oui.

"Je comprends l'amour de la patrie tel que vous l'avez exprimé. Depuis des siècles a constitué la force de la Russie: de génération en génération il restera le gage certain sa puissance.

"Je vous remercie encore une fois, et je vous prie de faire part à la noblesse de ma cère reconnaissance."

(Translation.)

ON the 26th March, at half-past 12 in the afternoon, His Majesty the Emperor gned to receive at the Winter Palace the Deputation commissioned to submit to him expression of the sentiments of fidelity of the nobility of St. Petersburgh.

His Majesty, with visible emotion, after having honoured with a few words each mber of the Deputation, deigned to speak to them as follows :—

"I thank you for this address. It has afforded me, under present circumstances, one the most agreeable and most consoling moments. I share as a nobleman entirely in se sentiments, and I am persuaded that the whole Russian nobility feel them in mmon with you.

"I trust that you are handing down to your children the same feelings with which a have gladdened me.

"I comprehend love of our country such as you have expressed yours to be. During s it has constituted the force of Russia; from generation to generation it will remain certain pledge of its strength.

"I thank you yet again, and I beg of you to make known to the nobility my sincere nowledgments."

No. 163.

Lord Napier to Earl Russell.—(*Received April* 20.)

My Lord, *St. Petersburgh, April* 15, 1863.

AFTER the Address from the Assembly of the nobility of the Government of St. Petersburgh had given the signal, the anti-Polish movement was taken up by the Municipality of St. Petersburgh. A meeting of the burgesses was convoked, at which there was a great fermentation, and at which the people manifested a hearty disposition to offer up their lives and fortunes for their Czar, their Church, and their country, on condition that no concessions should be made to the Poles. The duty of framing an Address to the Sovereign was, however, left to the prudence of a Committee, and their deliberations resulted in the accompanying document, which is not intemperate, but which preserves something of the fanatical fervour which is natural to the lower order of Russians.

It is expected that the contagion of patriotism will spread all over the Empire, and that the various official and popular bodies will vie with each other in laying their services at the feet of the Emperor.

The leading journals at Moscow are animated with strong national sentiments, and plead the cause of Russia against Polish aggression (as they deem it) and foreign intervention with vehemence.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 163.

Extract from the "Journal de St. Pétersbourg" of April 15, 1863.

LA Municipalité de St. Pétersbourg a été admise à l'honneur de présenter à Sa Majesté l'Empereur l'expression suivante de ses sentiments de fidélité :—

" Très-gracieux Souverain,

" En célébrant le grand jour de la Résurrection du Christ, la Russie tout entière, et avec elle ta fidèle capitale, se souviennent avec joie que cette fête solennelle a été aussi l'anniversaire du jour où la Providence a donné la vie au Monarque qui préside glorieusement aux destinées de la patrie et nous guide dans la voie du bien public.

" Nous, citoyens de St. Pétersbourg, adressant nos prières au Très-Haut pour la prolongation de ton règne bienfaisant, nous éprouvons plus que jamais le besoin d'épancher devant toi les sentiments qui nous animent.

" Des ennemis, envieux des progrès de la Russie, et ne voyant dans le réveil des forces sociales que la fermentation d'éléments subversifs, ont conçu le projet de porter atteinte à l'intégrité et à l'indivisibilité de l'Empire Russe. Ils songent à la possibilité d'en arracher des provinces antique berceau de l'orthodoxie Russe, et qui ont été réintégrées dans l'ensemble de notre patrie, au prix de torrents de sang Russe.

" Nous, citoyens de St. Pétersbourg, sommes convaincus que toute tentative contre l'intégrité de l'Empire est une atteinte à l'existence de la Russie, au sein de laquelle le sentiment de l'honneur national et de l'amour envers le Souverain est plus vivace que jamais.

" Nous ne répondons pas à nos ennemis par la haine et une soif de vengeance ; mais s'il plait à la Providence de mettre la Russie à l'épreuve, nous ne reculerons devant aucun sacrifice ; nous lèverons l'étendard pour le Tzar et la patrie, et nous marcherons partout où nous conduira ta volonté souveraine."

L'original est signé, au nom de la Municipalité de St. Pétersbourg, par le Golova (le Maire), les anciens et leurs adjoints.

(Translation.)

THE Municipality of St. Petersburgh has been permitted the honour of presenting to His Majesty the Emperor the following statement of their sentiments of fidelity :—

Most Gracious Sovereign,

" In celebrating the anniversary of the Resurrection of the Saviour, the whole of Russia, and with it the loyal capital, remember with joy that this solemn festival is also the anniversary of the day when Providence gave life to the Monarch who presides gloriously over the destinies of the country and guides us in the path of the public weal.

" We, citizens of St. Petersburgh, addressing our prayers to the Most High for the

prolongation of your Majesty's beneficent reign, we feel more than ever the desire to make known the feelings which animate us.

"Enemies, who are envious of the progress of Russia and who only see in the awakening of social forces the fermentation of subversive elements, have conceived the design of aiming a blow at the integrity and indivisibility of the Russian Empire.

"They conceive it possible to divide from the empire provinces which are the original cradle of Russian orthodoxy, and which have been re-incorporated with the rest of our country at the price of torrents of Russian blood.

"We, citizens of St. Petersburgh, are convinced that every attack upon the integrity of the Empire is an attack upon the existence of Russia, in the hearts of whose people the sentiment of national honour and of affection towards their Sovereign is more lively than ever.

"We do not answer our enemies with hatred or with a thirst for vengeance, but if it pleases Providence to put Russia to the test we shall not recoil before any sacrifice; we will raise our standard for the Czar and for our country, and we will march wherever his will shall direct us."

The original is signed, in the name of the Municipality of St. Petersburgh, by the Golova (the Mayor), the Aldermen, and their deputies.

No. 164.

Lord Napier to Earl Russell.—(Received April 22.)

(Extract.) *St. Petersburgh, April 17, 1863.*

I WAS directed by your Lordship to read your despatch of the 10th instant, concerning Poland, to Prince Gortchakoff, and to place a copy of it in his Excellency's hands.

In order to avoid the inconvenience which might have been attached to separate applications to the Vice-Chancellor for audiences, the Duke de Montebello obligingly offered to convey to Prince Gortchakoff the wish of our respective Governments that we should be received on the same day, and the Vice-Chancellor appointed this forenoon for our successive interviews.

This method appeared also to be recommended by the reflection that it gave a joint and common character to our proceeding.

The French Ambassador was received first, and delivered a copy of the despatch of M. Drouyn de Lhuys to the Russian Minister, by whom the Duke was informed that the orders of the Emperor would be taken on the subject.

I had the honour of seeing the Vice-Chancellor at half-past 11. I stated to his Excellency that I was directed by Her Majesty's Government to read to him a despatch from your Lordship containing the views of Her Majesty's Government on the affairs of Poland, and to leave a copy of it in his hands, in connection with a letter which was conceived in terms similar to those employed by the Representatives of France and Austria for the same purpose.

I then gave the two documents to the Prince. His Excellency, after reading your Lordship's despatch aloud, informed me that he would take the orders of His Imperial Majesty, and that the reply of the Russian Government would be communicated hereafter to your Lordship.

Count Thun was admitted subsequently, and received a similar answer from the Vice-Chancellor.

No. 165.

Lord Napier to Earl Russell.—(Received April 22.)

My Lord, *St. Petersburgh, April 17, 1863.*

I HAVE never pretended to offer to Her Majesty's Government any information of the actual state of the insurrection in the Kingdom of Poland or the border provinces of Russia. I have no sources of trustworthy intelligence at my command. I think it right to state, however, that the accounts published in the Continental, and reproduced in the English newspapers, concerning an alleged existing insurrection in Lithuania, Samogitia, and even Courland, are absurdly exaggerated. The railroad from Warsaw and from the Prussian frontier which traverses the heart of the supposed revolution, has not been stopped for one hour during the last fortnight.

The Government entertain serious apprehensions of an extensive outbreak in the semi-Polish Governments, and are prepared for it; but nothing of the kind has occurred hitherto.

I have, &c.
(Signed) NAPIER.

No. 166.

Earl Cowley to Earl Russell.—(Received April 22.)

My Lord, *Paris, April 21, 1863.*

M. DROUYN DE LHUYS has sent a copy of the French despatch on Polish affairs to all the Representatives of France in Europe, desiring each to invite the Government to which he is accredited to signify at St. Petersburgh its approbation of the step taken by Great Britain, France, and Austria.

His Excellency observed to me this afternoon that he trusted that Her Majesty's Government would take a similar course, since the greater the foreign pressure brought to bear upon the Russian Government, the greater was the probability of that Government being induced to give some real satisfaction to Poland.

M. Drouyn de Lhuys informed me further that he had addressed a despatch to the Duc de Montebello, commenting on the Emperor of Russia's offer of an amnesty in the terms in which he had spoken to me, and which I repeated to your Lordship in my despatch of the 14th instant. I told M. Drouyn de Lhuys that your Lordship concurred in his opinion on this matter.

I have, &c.
(Signed) COWLEY.

No. 167.

Earl Russell to Earl Cowley.

Sir, *Foreign Office, April 22, 1863.*

I HAVE to acquaint your Excellency, in reply to your despatch of yesterday, that Her Majesty's Representatives at the several Courts in Europe will be instructed to communicate to the Governments to which they are accredited a copy of my despatch to Her Majesty's Ambassador at St. Petersburgh on the affairs of Poland, dated the 10th of April, and to request them to give instructions in a similar sense to their respective Representatives at the Court of Russia.

I am, &c.
(Signed) RUSSELL.

No. 168.

Circular addressed to Her Majesty's Ambassadors and Ministers at all the Courts in Europe (except Paris, St. Petersburgh, and Vienna).

My Lord,

Sir, *Foreign Office, April 22, 1863.*

I TRANSMIT to you herewith a copy of a despatch which I addressed, on the 10th instant, to Her Majesty's Ambassador at the Court of Russia,* instructing him to make a communication to the Cabinet at St. Petersburgh on the subject of the affairs of Poland.

You will communicate a copy of this despatch to the Government to which you are accredited, and invite them to make a communication of a similar tendency to the Russian Government.

I understand from Lord Cowley that your French colleague is instructed to communicate, with the like request, a copy of the despatch on the same subject which has been addressed by M. Drouyn de Lhuys to the French Ambassador at St. Petersburgh.

I am, &c.
(Signed) RUSSELL.

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* No. 138.

No. 169.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, April* 22, 1863.

I TRANSMIT to your Excellency herewith, for your information, a copy of the circular despatch which I have this day addressed to Her Majesty's Representatives at the several Courts in Europe on the affairs of Poland,* to which reference is made in my despatch to your Excellency of to-day's date.

I am, &c.
(Signed) RUSSELL.

No. 170.

Earl Russell to Lord Napier.

Sir, *Foreign Office, April* 24, 1862.

I HAVE received and laid before the Queen your Excellency's despatch of the 12th instant, inclosing a copy of a Manifesto on Polish affairs issued by the Emperor of Russia on the $\frac{31st\ March}{12th\ April}$.

Her Majesty's Government have carefully and anxiously considered the contents of this document in the hope to find in it the germ of a restoration of peace, and a hope of good government to Poland.

I have to make to you the following remarks as the result of their deliberations.

An amnesty may lay the foundation of peace in two cases:—

1. If the insurgents have been thoroughly defeated, and are only waiting for a promise of pardon to enable them to return to their homes.

2. If the amnesty is accompanied with such ample promises of the redress of the grievances which gave occasion to the insurrection, as to induce the insurgents to think that their object is attained.

It is clear that the first of these cases is not that of the present insurrection.

It is not put down; it is, on the contrary, rather more extensive than it was a few weeks ago.

Let us, then, examine the amnesty with reference to the second of the supposed cases.

The Emperor, referring to the institutions which he has conferred ("octroyées") on the Kingdom of Poland, says:—

"En maintenant encore aujourd'hui ces institutions dans leur intégrité, nous nous réservons, lorsqu'elles auront été éprouvées dans la pratique, de procéder à leur développement ultérieur selon les besoins du temps et ceux du pays."†

This promise can hardly be satisfactory to the Poles. For it must be observed with regard to the institutions already given, that it was during their existence that 2,000 young men were seized arbitrarily in the night, and condemned to serve as soldiers in the Russian army in defiance of justice, and even in violation of the Law of 1859, so recently enacted. So that it is evident no security would be obtained by submitting again to the same laws. With those institutions in full force and vigour, innocent men might be imprisoned as criminals, or condemned to serve as soldiers, or banished to distant countries, without a trial, without publicity, without any guarantee whatever.

As to the promise held out for the future, it must be observed that it is made to depend on the practical working of these institutions, and on the wants of the time and of the country.

The first of these conditions alone destroys all reasonable hope of the fulfilment of this promise. For the practical working of the institutions hitherto given, depends on the co-operation of native Poles of property and character as Members of the Council of State, and of Provincial and Municipal Assemblies. But the recent conduct of the Russian Government in Poland has deprived them of the confidence of all Poles of this description, and forced all such Poles to withdraw from the bodies in which their functions were to be exercised.

There are wanting, therefore, in this Imperial Manifesto, the first elements of success, namely, a guarantee of security on the one side, and the feeling of trust and confidence on the other.

* No. 168.

† Translation.—"In maintaining, at this day, these institutions in their integrity, we reserve to ourselves, whenever they shall have been practically tried, to proceed to their further development, in accordance with the requirements of the age and of the country."

In a despatch of Lord Durham, then Ambassador at St. Petersburgh, dated in August 1832, Lord Durham says,—"There has long been a jealousy, nay, hatred, existing between the Russians and Poles." Her Majesty's Government had hoped that the present Emperor, by raising the social position of his Russian, and securing the political freedom of his Polish, subjects, might have united both by the link of loyal attachment to the throne.

This hope has been unfortunately disappointed, and it is with great pain that Her Majesty's Government observe that the feelings of hatred between Russians and Poles have not in the lapse of thirty years been softened or modified.

The present amnesty does not appear likely to diminish the intensity of the insurrection, or give any solid security to the most moderate of Polish patriots.

I am, &c.

(Signed) RUSSELL

APPENDIX.

Convention de Cartel, signée par les Plénipotentiaires de Sa Majesté le Roi de Prusse, et de Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, le $\frac{8 \text{ Aout}}{27 \text{ Juillet}}$, 1857.

Au nom de la Très-Sainte et Indivisible Trinité!

LA Convention de Cartel conclue le $\frac{20}{8}$ Mai, 1844, entre Sa Majesté le Roi de Prusse et Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, étant expirée, et quelques unes de ses dispositions ayant été reconnues susceptibles de recevoir plus de développement et de précision, leurs Majestés ont jugé utile et convenable de conclure une nouvelle Convention de Cartel, et ont à cet effet nommé des Plénipotentiaires, savoir:—

Sa Majesté le Roi de Prusse, le Sieur Othon Théodore Baron de Manteuffel, Président de Son Conseil et Son Ministre des Affaires Etrangères, Chevalier des Ordres de Prusse de l'Aigle Noir et de l'Aigle Rouge avec feuilles de chêne, couronne et sceptre, Grand Commandeur de l'Ordre de Hohenzollern, Commandeur de l'Ordre de St. Jean de Prusse, et Chevalier Grand-Croix des Ordres de Russie de St. André, de St. Alexandre Newsky, &c.:

Et Sa Majesté l'Empereur de Toutes les Russies, Roi de Pologne, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé actuel, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Prusse et leurs Altesses Royales les Grands-Ducs de Mecklembourg-Schwerin et de Mecklembourg-Strelitz, Chevalier Grand-Croix des Ordres de Russie de St. Wladimir de première classe, de St. Alexandre Newsky en diamants, de l'Aigle Blanc, de Ste. Anne de première classe et de St. Stanislas de première classe, et des Ordres de Prusse de l'Aigle Rouge de première classe, et de St. Jean de Jerusalem, &c.;

Lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont conclu et signé la Convention de Cartel, dont la teneur suit ici mot à mot:—

Ueberſetzung der Kartelkonvention, unterzeichnet von den Bevollmächtigten Seiner Majeſtät des Königs von Preußen und Seiner Majeſtät des Kaiſers von Rußland, Königs von Polen, am $\frac{8. \text{ Auguſt}}{27. \text{ Juli}}$ 1857.

Im Namen der Hochheiligen und untheilbaren Dreieinigkeit!

Nachdem die zwiſchen Seiner Majeſtät dem Könige von Preußen und Seiner Majeſtät dem Kaiſer von Rußland, König von Polen, unterm $\frac{20}{8}$ Mai, 1844, abgeſchloſſene Kartelkonvention abgelaufen iſt, und einige ihrer Beſtimmungen einer näheren Erläuterung und größeren Beſtimmtheit fähig erachtet worden ſind, ſo haben Ihre Majeſtäten es nützlich und angemeſſen gefunden, eine neue Kartelkonvention abzuſchließen und zu dieſem Behufe zu Ihren Bevollmächtigten ernannt, nämlich:—

Seine Majeſtät der König von Preußen, den Freiherrn Otto Theodor von Manteuffel, Ihren Miniſter Präſidenten und Miniſter der auswärtigen Angelegenheiten, Ritter des Preußiſchen Schwarzen Adler-Ordens, des Rothen Adler-Ordens mit Eichenlaub, Krone und Scepter, Groß-Komthur des Königlichen Hausordens von Hohenzollern, Ehren-Kommendator des Preußiſchen Johanniter-Ordens, und Großkreuz des Ruſſiſchen St. Andreas und St. Alexander-Newsky-Ordens, u. ſ. w.;

Und Seine Majeſtät der Kaiſer von Rußland, König von Polen, den Baron Philipp von Brunnow, Ihren Wirklichen Geheimen Rath, außerordentlichen Geſandten und bevollmächtigten Miniſter bei Seiner Majeſtät dem Könige von Preußen und Ihren Königlichen Hoheiten den Großherzögen von Mecklenburg-Schwerin und Mecklenburg-Strelitz, Großkreuz des Ruſſiſchen St. Wladimir-Ordens erſter Klaſſe, des St. Alexander-Newsky-Ordens in Brillanten, des Weißen Adler-, des St. Annen- und des St. Stanislaus-Ordens erſter Klaſſe, ſowie des Preußiſchen Rothen Adler-Ordens erſter Klaſſe, des Johanniter-Ordens, u. ſ. w.;

Welche, nach Auswechſelung ihrer in guter und gehöriger Form befundenen Vollmachten, diejenige Kartelkonvention abgeſchloſſen und unterzeichnet haben, deren wörtlicher Inhalt folgendermaßen lautet:—

ARTICLE I.

La présente Convention, qui sera mise à exécution quatre semaines après l'échange des ratifications, s'appliquera :—

(*a.*) A tous les individus qui déserteront le service actif des armées respectives, ainsi qu'aux effets militaires qu'ils auront emportés, tels que chevaux, harnais, armes, habillements ; en outre, aux individus qui n'ont obtenu de congé qu'à condition de se présenter au premier appel pour rentrer au service actif et qui en conséquence appartiennent à la réserve.

(*b.*) A tous les individus qui, selon les lois de l'Etat qu'ils ont quitté avec ou sans l'intention d'y rentrer, sont sujets, ne fût-ce que dans la suite, au service militaire.

(*c.*) Aux individus qui, ayant commis des crimes ou délits dans l'un des deux Etats, se sont enfuis sur le territoire de l'autre, pour se soustraire aux poursuites de la justice et à la peine qu'ils ont encourue.

Artikel I.

Die gegenwärtige Convention, welche vier Wochen nach Auswechselung der Ratifikationen zur Ausführung gebracht werden soll, erstreckt sich :—

(*a.*) Auf alle aus dem aktiven Dienste der beiderseitigen Armeen desertirten Individuen und die von ihnen mitgenommenen Militaireffekten, als: Pferde, Reitzeug, Armatur- und Montirungsstücke ; desgleichen auf die aus dem aktiven Dienste, unter Vorbehalt ihrer Verpflichtung zu demselben, beurlaubten, mithin zur Kriegsreserve gehörigen Individuen ;

(*b.*) Auf alle, nach den Gesetzen des Staats, welchen sie mit oder ohne Absicht der Rückkehr verlassen haben, wenn auch erst für die Folge, zum Militairdienste verpflichteten Individuen ;

(*c.*) Auf diejenigen Individuen welche, nachdem sie in einem der beiden Staaten ein Verbrechen oder Vergehen begangen, sich der Untersuchung und Bestrafung desselben durch die Flucht auf das Gebiet des anderen Staates zu entziehen gewußt haben.

ARTICLE II.

Si les individus mentionnés dans l'Artic e précédent sous la lettre (*a*), sont saisis en uniforme, si l'on trouve sur eux d'autres objets appartenant à l'équipement militaire, ou, en général, s'il est hors de doute qu'ils ont déserté le service militaire de l'autre Etat, ils seront sur-le-champ, et sans réquisition préalable de cet Etat, arrêtés et conduits avec les effets militaires trouvés sur eux, à la frontière qui sépare les deux Etats, pour y être remis aux autorités respectives chargées de les recevoir. Quant aux individus dont la désertion n'est pas manifeste, mais devient probable par suite de leur propre déclaration ou de circonstances particulières, les autorités militaires ou civiles qui auront eu connaissance de séjour d'un pareil individu, prendront aussitôt les mesures nécessaires pour empêcher son évasion. Elles feront ensuite dresser un procès-verbal à ce sujet, et le communiqueront aux autorités militaires provinciales de l'autre Etat, qui alors déclareront si le prévenu a effectivement déserté ou non, sur quoi, dans le cas de l'affirmative, le déserteur leur sera livré de la manière susindiquée.

Les individus mentionnés dans l'Article précédent, lettre (*b*), ne seront arrêtés et restitués qu'à la suite d'une réquisition expresse, qui, dans chaque cas spécial, sera faite par les autorités compétentes de l'Etat auquel ces individus appartiennent.

Artikel II.

Die im vorstehenden Artikel unter (*a.*) bezeichneten Individuen sind, wenn sie in militairischer Bekleidung oder mit andern Gegenständen der militairischen Ausrüstung betroffen werden, oder wenn überhaupt darüber, daß sie aus dem Militairdienste des andern Staates entwichen sind, kein Zweifel obwaltet, sofort, ohne daß es dazu einer vorgängigen Requisition Seitens dieses Staats bedarf, zu verhaften und mit den bei ihnen gefundenen Militaireffekten zur Grenze, welche beide Staaten trennt, zu transportiren, um daselbst an die zu ihrer Empfangnahme beauftragten jenseitigen Behörden abgeliefert zu werden. Bei denjenigen Individuen, deren Desertion nicht offenbar, sondern in Folge besonderer Umstände oder ihrer eigenen Aussagen nur wahrscheinlich ist, muß von den Militair- oder Civilbehörden, welche von ihrem Aufenthalte Kenntniß erhalten haben, sofort für ihre Sicherstellung gesorgt werden. Demnächst haben sie darüber ein Protokoll aufnehmen zu lassen, und solches der jenseitigen Provinzial-Militairbehörde mitzutheilen, welche hierauf zu erklären hat, ob das bezeichnete Individuum wirklich desertirt ist oder nicht, welchemnächst im Bejahungsfalle der Deserteur ihr auf die obenerwähnte Weise auszuliefern ist.

Was die im vorigen Artikel unter (*b.*) bezeichneten Individuen betrifft, so findet deren Verhaftung und Auslieferung nicht anders statt, als in Folge einer jedesmaligen ausdrücklichen Requisition von Seiten der kompetenten Behörde desjenigen Staats, welchem die Individuen angehören.

ARTICLE III.

(1.) L'extradition des individus appartenant aux classes *a* et *b* de l'Article I n'aura cependant pas lieu, si avant de s'être rendus dans l'Etat qu'ils ont quitté en dernier lieu, ou avant d'y avoir pris service, ces individus ont été sujets de l'Etat où ils se sont retirés lors de leur désertion, et que les rapports résultant pour eux de cette qualité n'aient pas été annullés suivant les formes prescrites par les lois de cet Etat. Mais même dans ce cas on rendra les chevaux et les effets militaires que ces individus auraient emmenés avec eux en désertant.

(2.) De même si un individu appartenant à l'une ou l'autre de ces deux classes s'est rendu coupable de quelque crime ou délit dans l'Etat où il s'est retiré, son extradition pourra être refusée jusqu'à ce qu'il ait subi la peine que lui infligent les lois de cet Etat.

(3.) Dans le cas où l'arrestation et l'extradition d'un individu ne devront s'effectuer qu'à la suite d'une réquisition (ainsi que cela est stipulé dans l'Article II, notamment à l'égard des déserteurs qui ne sont pas reconnaissables comme tels), il s'est écoulé l'espace de deux ans depuis l'époque de la désertion ou de l'évasion d'un individu de cette catégorie, celui des deux Etats auquel serait adressée une réquisition pour le réclamer ne sera point tenu d'y satisfaire. Si toutefois un réfractaire ou un déserteur avait commis un crime ou délit avant sa fuite, ou s'il était prévenu d'en avoir commis un, son extradition se fera d'après les règles établies dans les Articles XV et XVI ci-dessous, quand même il se serait écoulé un espace de deux ans depuis l'époque de son évasion ou de sa désertion.

ARTICLE IV.

Les communications qui, d'après l'Article II, auront lieu par rapport aux individus soupçonnés d'avoir déserté le service de l'une des Hautes Parties Contractantes, seront adressées, de la part de la Prusse au Commandant-en-chef et aux officiers chargés de l'extradition des déserteurs, et de la part de la Russie et de la Pologne au Général Commandant dans la Province Prussienne la plus proche; les réquisitions relatives aux individus mentionnés dans l'Article I, sous la lettre (*b*), seront adressés de la part de la Prusse aux autorités militaires et civiles de la Russie ou de la Pologne les plus proches, et de la part de la Russie et de la Pologne à la Régence Provinciale Prussienne la plus à portée.

Artikel III.

(1.) Die Auslieferung der zu den Klassen (*a.*) und (*b.*) des Artikels I. gehörigen Individuen wird jedoch nicht stattfinden, wenn dieselben, ehe sie sich in den zuletzt von ihnen verlassenen Staat begeben oder daselbst Dienste genommen hatten, Unterthanen desjenigen Staates waren, wohin sie sich bei ihrer Entweichung geflüchtet haben, und diejenigen Verhältnisse, welche für sie aus dieser Eigenschaft entspringen, nicht nach den in diesem Staate geltenden gesetzlichen Vorschriften aufgelöst worden sind. Doch werden, selbst in diesem Falle, die von solchen Individuen bei ihrer Entweichung mitgenommenen Pferde und Militaireffekten zurückgegeben.

(2.) Ebenso kann die Auslieferung eines der einen oder der anderen dieser beiden Klassen angehörigen Individuums, wenn dasselbe sich in dem Staate, wohin es entwichen ist, ein Verbrechen oder Vergehen hat zu Schulden kommen lassen, bis zur Abbüßung der nach den Gesetzen dieses Staates dafür verwirkten Strafe verweigert werden.

(3.) Jnd den Fällen, wo die Verhaftung und Auslieferung eines Individuums nur in Folge vorheriger Requisition stattfinden soll, wie dies im Artikel II., namentlich, wegen der Deserteurs verabredet ist, welche nicht als solche kenntlich sind, ist, wenn seit der Desertion oder dem Austritte eines Individuums dieser Kategorie bereits ein Zeitraum von zwei Jahren verstrichen ist, der requirirte Staat nicht verpflichtet, der an ihn ergehenden Auslieferungsrequisition Folge zu leisten. Wenn jedoch ein Militairflüchtiger oder ein Deserteur vor seiner Flucht ein Verbrechen oder Vergehen begangen hat, oder wenn er eines solchen bezüchtigt gewesen ist, so soll seine Auslieferung nach den weiter unten in den Artikeln XV. und XVI. getroffenen Bestimmungen erfolgen, selbst wenn ein Zeitraum von zwei Jahren seit seinem Austritt oder seiner Desertion verflossen ist.

Artikel IV.

Die im Artikel II. vorgeschriebenen Mittheilungen wegen der Desertion aus dem Dienste der jenseitigen Macht Verdächtigen werden Königlich Preußischer Seits an den Kommandirenden en Chef und an die der Auslieferung der Deserteure vorgesetzten Offiziere, Kaiserlich Russischer oder Königlich Polnischer Seits aber an das General-Kommando der nächsten Preußischen Provinz gerichtet, wogegen die Requisitionen, welche sich auf Individuen der im Artikel I. unter (*b.*) erwähnten Klasse beziehen, Königlich Preußischer Seits an die nächsten Russischen oder Polnischen Militair- und Civilbehörden, und Kaiserlich Russischer oder Königlich Polischer Seits an die nächste Preußische Provinzialregierung gerichtet werden.

Dans l'Empire de Russie le Commissaire spécial qui a pour mission de veiller au maintien des relations et bon voisinage sur la frontière sera également autorisé, comme par le passé, à faire et à recevoir les communications et réquisitions prévues dans le présent Article.

Im Kaiserthum Rußland wird der Spezialkommissarius, dessen Bestimmung ist, über die Aufrechterhaltung der freundnachbarlichen Beziehungen an der Grenze zu wachen, ebenso wie früher ermächtigt sein, die Mittheilungen und Requisitionen, welche in gegenwärtigen Artikel vorgesehen sind, zu machen und entgegenzunehmen.

ARTICLE V.

S'il arrivait qu'un individu, avant sa désertion du service de l'une ou de l'autre des Hautes Parties Contractantes, eût déserté les troupes d'un autre Souverain, ou d'un autre Etat, avec lequel l'une des Hautes Parties Contractantes aurait conclu une Convention de Cartel, le déserteur n'en sera pas moins rendu à l'armée qu'il aura désertée en dernier lieu.

Artikel V.

Wenn der Fall eintritt, daß ein Individuum, bevor es aus dem Dienste des einen oder des andern der hohen kontrahirenden Theile entwichen ist, schon von den Truppen eines andern Souverains oder eines andern Staats, mit welchem einer der hohen kontrahirenden Theile eine Kartelkonvention geschlossen hat, desertirt wäre, so soll gleichwohl ein solcher Ueberläufer derjenigen Armee ausgeliefert werden, von welcher er zuletzt desertirt ist.

ARTICLE VI.

Il est expressément défendu aux autorités militaires et civiles respectives d'engager au service militaire ou civil de leur Souverain un individu dont la désertion du service militaire de l'autre Etat n'est pas douteuse, ou ne serait même que probable. Elles ne laisseront passer la frontière à aucun sous-officier ni soldat de l'armée de l'Etat limitrophe, à moins qu'il ne soit muni d'un passeport ou d'une cartouche du chef ou du Commandant du corps auquel il appartient. Tout individu qui, sans pouvoir se légitimer au moyen d'un pareil passeport ou d'une cartouche, sera découvert par ces autorités ou leur sera dénoncé par leurs subordonnés, et que des signes extérieurs ou d'autres circonstances rendront suspect d'appartenir aux troupes de l'autre Etat, sera sur-le-champ arrêté, avec tous les effets qu'on trouvera sur lui; on lui fera subir un interrogatoire, et il sera procédé ensuite conformément aux dispositions de l'Article II.

Artikel VI.

Den beiderseitigen Militair- und Civilbehörden ist ausdrücklich untersagt, ein Individuum, dessen Desertion aus dem jenseitigen Militairdienst als gewiß oder selbst nur als wahrscheinlich anzunehmen ist, in den Militair- oder Civildienst ihres Souverains aufzunehmen; auch dürfen sie keine Unteroffiziere oder Soldaten der jenseitigen Armee auf der Grenze durchgehen lassen, wenn sie nicht mit einem Passe oder Abschiede von dem Chef oder Kommandeur des Truppentheils, dem sie angehören, versehen sind. Jedes ohne einen solchen Paß oder Abschied von ihnen betroffene oder von ihren Untergebenen ihnen angezeigte Individuum, welches in Folge äußerer Merkmale oder sonstiger Umstände den Truppen des andern Staates anzugehören verdächtig ist, haben sie mit sämmtlichen bei ihm befindlichen Effekten sofort zu verhaften und zu Protokoll vernehmen zu lassen, welchemnächst nach den im Artikel II. enthaltenen Bestimmungen zu verfahren ist.

ARTICLE VII.

Les Hautes Parties Contractantes feront tenir la main à ce qu'il soit satisfait promptement et loyalement aux réquisitions d'extradition qui seront adressées à leurs autorités. Dans le cas même ou les individus réclamés auraient été entre-temps engagés au service de l'Etat sur le territoire duquel ils se trouvent, cette circonstance n'influera en rien sur les obligations mutuelles résultant du présent Article.

Artikel VII.

Die hohen kontrahirenden Theile werden darauf halten, daß den an ihre Behörden zu richtenden Auslieferungsrequisitionen schnell und ohne Rückhalt genügt werde. Selbst in dem Falle, wo die reklamirten Individuen in den Dienst des Staates aufgenommen sein sollten, auf dessen Gebiete sie sich befinden, soll dieser Umstand auf die aus dem gegenwärtigen Artikel entspringenden gegenseitigen Verpflichtungen von keinem Einflusse sein.

ARTICLE VIII.

S'il s'élevait des doutes sur l'exactitude de telle ou telle circonstance rapportée dans l'acte de réquisition, ces doutes ne pourront,

Artikel VIII.

Sollten über die Richtigkeit irgend eines in dem Requisitionsschreiben angeführten Umstandes Zweifel entstehen, so können diese, die im Artikel

les cas mentionnés dans l'Article III exceptés, motiver un refus d'extradition.

III. erwähnten Fälle ausgenommen, eine Verweigerung der Auslieferung nicht begründen.

ARTICLE IX.

Non-seulement l'extradition d'un déserteur ou d'un individu sujet au service militaire devra toujours et sans exception être accompagnée d'un procès-verbal qui aura été dressé pour constater les causes et les circonstances de son arrestation, mais encore, s'il appartient à la catégorie de ceux qui, d'après l'Article II, doivent être livrés d'office, les effets militaires qui auront servi à faire découvrir sa désertion, seront aussitôt restitués avec lui. Si, au contraire, l'individu appartient à la classe de ceux qui ne doivent être livrés qu'à la suite d'une communication préalable entre les autorités militaires respectives, ou d'une réquisition spéciale, dans ce cas, afin de mettre hors de doute que son extradition est conforme aux principes établis dans la présente Convention, l'acte de réquisition qui le concerne devra, lors de l'extradition, être produit en original ou en copie vidimée.

Artikel IX.

Bei der Auslieferung eines Deserteurs oder Militairpflichtigen ist jederzeit und ohne Ausnahme nicht allein das bei seiner Verhaftung über die Veranlassung und Umstände derselben aufgenommene Protokoll, sondern es sind auch, wenn derselbe zur Klasse der nach Artikel II. von Amtswegen Auszuliefernden gehört, die Militaireffekten, durch welche seine Desertion sich ergeben hat, sofort mit zu überliefern. Gehört er dagegen zu den erst nach vorheriger Kommunikation mit den respektiven Militair-Behörden oder in Folge einer besonderen Requisition auszuliefernden Individuen, so ist, um jeden Zweifel darüber zu beseitigen, daß seine Auslieferung den im gegenwärtigen Vertrage bestimmten Grundsätzen gemäß sei, allemal das Original oder eine beglaubte Abschrift des ihn betreffenden Requisitionsschreibens bei seiner Auslieferung vorzuzeigen.

ARTICLE X.

Les points de la frontière où l'extradition régulière des déserteurs et autres individus avait lieu précédemment, continueront à servir pour le même objet aussi longtemps que les autorités respectives ne conviendront pas d'un changement à cet égard. Les fonctionnaires chargés dans ces endroits de recevoir les individus qui devront être livrés, seront, suivant que ces fonctionnaires appartiennent à l'état militaire ou à l'état civil, indiqués par les autorités militaires ou civiles compétentes à celles de l'autre Etat.

Artikel X.

Die Grenzorte, wo früher die ordnungsmäßige Auslieferung der Deserteure und anderer Individuen stattgefunden hat, werden auch ferner, und zwar so lange zu diesem Zwecke beibehalten, als die beiderseitigen Behörden nicht etwa über eine Abänderung in dieser Beziehung sich vereinbaren. Die an diesen Orten mit dem Auslieferungsgeschäft beauftragten Beamten sind, je nachdem sie zum Militair- oder Civilstande gehören, von Seiten der betreffenden Militair- oder Civil-Behörden den jenseitigen namhaft zu machen.

ARTICLE XI.

(1.) Pour tout déserteur ou individu sujet au service militaire, les frais d'entretien seront acquittés à raison de quatre (4) gros d'argent de Prusse ou de douze (12) copeks argent de Russie, par jour, à compter du jour où il aura été arrêté pour être livré, soit d'office, soit par suite d'une réquisition. Si le déserteur a emmené un cheval de service, il sera bonifié pour ce dernier par jour, et à compter de l'époque susindiquée, deux metzes d'avoine et huit livres de foin avec la paille nécessaire, et ces fourrages seront payés chaque fois selon le prix courant du marché de la ville la plus proche.

(2.) La restitution du déserteur se fera au plus tard huit jours après son arrestation, laquelle aura lieu dès qu'on l'aura découvert ; les frais de son entretien ne seront rétribués de part et d'autre que pour le même terme de huit jours, à moins que

Artikel XI.

(1.) An Unterhaltungskosten werden für jeden Deserteur oder Militairpflichtigen von dem Tage an, wo er zum Zwecke seiner von Amtswegen oder auf Requisition zu bewirkenden Auslieferung verhaftet worden ist, vier (4) Silbergroschen Preußisch Kurant oder zwölf (12) Kopeken Silber täglich vergütet. Hat der Deserteur ein Dienstpferd mit sich genommen, so werden, von dem ebengedachten Zeitpunkte ab, täglich auf dasselbe zwei Metzen Hafer und acht Pfund Heu nebst dem nöthigen Stroh, gutgethan, und diese Fourage wird nach den jedesmaligen Marktpreisen der nächsten Stadt bezahlt.

(2.) Die Auslieferung des Deserteurs wird spätestens acht Tage nach seiner bei dessen Entdeckung sofort stattfindenden Verhaftung erfolgen, und die Kosten für seinen Unterhalt sollen auch gegenseitig nur für den Zeitraum von acht Tagen erstattet werden, es sei denn, daß seine

l'éloignement du lieu où le déserteur aura été arrêté, ou d'autres circonstances bien constatées, ne retardent nécessairement au delà de ce terme son extradition aux autorités compétentes. Si, par suite de maladie, le transfuge se trouvait avoir été reçu à un hôpital, les frais qui en résulteront seront acquittés par le Gouvernement réclamant, à raison de cinq (5) gros d'argent de Prusse, ou de quinze (15) copeks argent de Russie, par jour, pour tout le temps pendant lequel son état de santé l'aura retenu à l'hôpital.

ARTICLE XII.

Si, outre le déserteur lui-même, l'on parvient encore à découvrir le cheval de service emmené par lui, et que ce cheval soit rendu à l'Etat auquel il appartient, la personne qui par son avis aura amené la saisie du cheval, obtiendra de l'Etat auquel se fera l'extradition une récompense de sept écus et demi ($7\frac{1}{2}$) de Prusse (six roubles 75 copeks argent de Russie).

ARTICLE XIII.

Afin de pouvoir acquitter sans délai cette récompense, ainsi que les frais d'entretien mentionnés dans l'Article XI, lesquels dans aucun cas ne pourront être augmentés, les Hautes Parties Contractantes feront déposer chez les fonctionnaires chargés sur les points d'extradition de la réception des déserteurs, une certaine somme d'argent au moyen de laquelle ils payeront, lors de l'extradition du déserteur ou de l'individu sujet au service militaire, et du cheval, les frais d'entretien, sur une spécification présentée aux susdits fonctionnaires par les fonctionnaires de l'autre Etat chargés de l'extradition, ainsi que la récompense pour la saisie du cheval. Si l'on trouvait la dite spécification défectueuse, ce qui toutefois pourra difficilement avoir lieu, vû la détermination précise du taux de la rémunération et des frais d'entretien, elle n'en devra pas moins être soldée et ce ne sera que plus tard qu'une réclamation à ce sujet sera prise en considération, le seul cas excepté où il n'aurait pas été satisfait à la disposition de l'Article IX, concernant la restitution simultanée des effets militaires trouvés sur le déserteur, ou l'exhibition de l'original ou de la copie vidimée de l'acte de réquisition, dans lequel cas il ne sera payé ni frais d'entretien ni récompense.

ARTICLE XIV.

Les déserteurs et les individus sujets au service militaire ne pouvant contracter de dettes que l'Etat auquel ils appartiennent eût l'obligation légale d'acquitter, les dettes qu'ils pourraient avoir, ne feront jamais, lors de l'extradition, un objet de discussion entre

Auslieferung an die betreffenden Behörden, wegen der Entfernung der Ortes, wo derselbe ergriffen worden, oder wegen anderer hinreichend nachgewiesener Umstände, über jenen Zeitraum hinaus verzögert werden müßte. Ist der Ueberläufer Krankheit halber in ein Hospital aufgenommen worden, so werden die desfallsigen Kosten von dem reklamirenden Gouvernement mit fünf (5) Silbergroschen Preußisch Kurant oder fünfzehn (15) Kopeken Silber täglich für die ganze Zeit seines Aufenthalts daselbst erstattet.

Artikel XII.

Wird außer dem Deserteur zugleich das von ihm mitgenommene Dienstpferd entdeckt und dem Staate, welchem es gehört, zurückgegeben, so erhält derjenige, durch dessen Anzeige die Beschlagnahme des Pferdes erwirkt worden ist, von dem Staate, an den die Auslieferung erfolgt, eine Belohnung von sieben und einem halben ($7\frac{1}{2}$) Thaler Preußisch Kurant (sechs Rubel 75 Kopeken Silber).

Artikel XIII.

Zur Berichtigung dieser Belohnung, sowie der im Artikel XI. bemerkten Unterhaltungskosten, welche in keinem Falle erhöhet werden dürfen, werden die hohen kontrahirenden Theile bei den mit dem Auslieferungsgeschäft in den dazu bestimmten Grenzorten beauftragten Beamten eine gewisse Summe Geldes niederlegen lassen, von welcher diese Beamten sofort bei Auslieferung des Deserteurs oder Militairpflichtigen und des Dienstpferdes sowohl die Unterhaltungskosten auf den Grund einer Berechnung, welche bei der Auslieferung von der dazu beauftragten jenseitigen Behörde mit zu übergeben ist, als auch die Belohnung für die Beschlagnahme des Dienstpferdes zu berichtigen haben. Sollte diese Berechnung für unrichtig gehalten werden, was jedoch bei der genauen Festsetzung des Satzes der Belohnung und der Unterhaltungskosten nicht leicht wird stattfinden können, so soll dennoch die Zahlung der aufgerechneten Summe erfolgen und erst später ist eine desfallsige Reklamation zu untersuchen, mit alleiniger Ausnahme des Falles wo der im Artikel IX. enthaltenen Bestimmung wegen gleichzeitiger Ueberlieferung der bei einem Deserteur gefundenen Militaireffekten oder Vorzeigung des Original-Requisitionsschreibens oder einer beglaubten Abschrift davon nicht genügt wäre, indem alsdann weder die Unterhaltungskosten, noch die Belohnung gezahlt werden.

Artikel XIV.

Da weder von Deserteuren noch von ausgetretenen Militairpflichtigen Schulden kontrahirt werden können, die den auf ihre Person Anspruch habenden Staat zu deren Erstattung rechtlich verpflichten, so kann auch die Bezahlung solcher Schulden bei der Auslieferung nie einen Gegen-

les autorités des deux Etats. Si un individu, durant son séjour dans l'Etat qui le livre, a contracté envers des particuliers des obligations que son extradition l'empêche de remplir, il ne reste à la partie lèsée que de faire valoir ses droits par devant les autorités compétentes de l'Etat auquel appartient son débiteur.

Pareillement, si un déserteur ou un individu sujet au service militaire se trouvait, au moment où il est réclamé, en état d'arrestation pour des engagements qu'il aurait contractés envers des particuliers, l'Etat auquel s'adresse la réquisition ne sera pas pour cela libéré de l'obligation de le livrer sans retard.

ARTICLE XV.

(1.) Ceux qui, dans le pays de l'un des deux Souverains, commettent un crime ou délit, ou qui sont accusés ou prévenus d'en avoir commis un, et qui ensuite prennent la fuite et se rendent dans le pays de l'autre Souverain, seront restitués de part et d'autre sur une réquisition qui aura lieu de la manière indiquée ci-dessous dans l'Article XVI.

(2.) L'état ou la condition du coupable, de l'accusé, ou du prévenu, ne changera rien à cette disposition, et il sera restitué, à quelque état ou à quelque condition qu'il appartienne, qu'il soit noble, habitant d'une ville ou de la campagne, libre, serf, militaire ou civil.

(3.) Mais si le dit criminel ou prévenu est sujet du Souverain dans le pays duquel il s'est rendu par sa fuite après avoir commis un crime ou délit, dans le pays de l'autre Souverain, sa restitution n'aura pas lieu, mais le Souverain dont il est sujet fera administrer contre lui bonne et prompte justice selon les lois du pays. Il est surtout convenu que lorsqu'un individu passe du territoire d'un Etat sur celui de l'autre, y commet un crime ou délit, et rentre ensuite dans l'Etat d'où il était venu, les autorités de cet Etat (quoique l'extradition d'un pareil individu soit inadmissible d'après les dispositions précitées) n'en prêteront pas moins, si elles en sont requises, aux autorités compétentes de l'Etat sur le territoire duquel le crime ou délit a été commis, toute aide et assistance que les lois du pays leur permettront pour constater les faits et découvrir les coupables, appartenant à l'autre Etat, dès que l'action commise est telle qu'elle est punissable aussi d'après la législation de l'Etat requis. Si cependant un individu quelconque a été arrêté dans le pays où il a commis un crime, délit, ou un excès quelconque, et ce pour avoir commis le dit crime, délit, ou excès, le Souverain du pays où

stand der Erörterung zwischen den Behörden beider Staaten bilden. Hat ein solches Individuum während seines Aufenthalts in dem Staate, von welchem es auszuliefern ist, Verbindlichkeiten gegen Privatpersonen übernommen, an deren Erfüllung es durch die Auslieferung verhindert wird, so bleibt dem dadurch verletzten Theile nur übrig, seinen Schuldner bei dessen kompetenter vaterländischer Behörde zur Geltendmachung seiner Rechte in Anspruch zu nehmen.

Ebenso befreiet die persönliche Haft, in welcher ein Deserteur oder ausgetretener Militairpflichtiger sich im Augenblicke seiner Reklamation etwa wegen eingegangener Privatverbindlichkeiten befinden sollte, den Staat, an welchen die Reklamation gerichtet ist, keineswegs von der Verpflichtung zur sofortigen Auslieferung des reklamirten Individuums.

Artikel XV.

(1.) Diejenigen, welche in den Staaten eines der beiden Souveraine ein Verbrechen oder Vergehen vollbringen, oder eines solchen angeschuldigt oder bezüchtigt sind, und darauf entfliehen und in das Gebiet des andern Souverains sich begeben, werden gegenseitig auf eine Requisition, welche auf die unten im Artikel XVI. bezeichnete Art erfolgen muß, ausgeliefert.

(2.) Der Stand oder die bürgerlichen Verhältnisse des Verbrechers, Angeschuldigten oder Bezüchtigten machen hierin keinen Unterschied, und selbiger wird ausgeliefert, wes Standes er auch sei, Edelmann, Stadt- oder Landbewohner, ein Freier oder Leibeigner, ein Soldat oder vom Civilstande.

(3.) Ist aber der erwähnte Verbrecher oder der Angeschuldigte ein Unterthan desjenigen Souverains, in dessen Land er geflüchtet ist, nachdem er in dem Lande des andern Souverains ein Verbrechen oder Vergehen begangen hat, so findet die Auslieferung nicht statt, sondern der Souverain, dessen Unterthan er ist, wird denselben sofort nach seinen Landesgesetzen zur Untersuchung und Strafe ziehen lassen. Es ist insbesondere verabredet, daß, wenn ein Individuum sich von dem Gebiete des einen Staates auf dasjenige des andern begiebt, dort ein Verbrechen oder Vergehen begeht, und hierauf in den Staat zurückkehrt, aus dem es gekommen, die Behörden dieses Staates (obwohl die Auslieferung eines solchen Individuums nach den vorerwähnten Bestimmungen unstatthaft ist) nichtsdestoweniger, wenn sie darum angegangen werden, den kompetenten Behörden des Staates, auf dessen Gebiet das Verbrechen oder Vergehen begangen worden, alle Hülfe und Beistand leisten sollen, welche ihnen die Landesgesetze gestatten, um den Thatbestand festzustellen, und die Schuldigen, die dem andern Staate angehören, zu entdecken, vorausgesetzt, die begangene That sei von der Art, daß sie auch nach der Gesetzgebung des requirirten Staates strafbar ist. Sobald jedoch ein Individuum in dem Lande, wo dasselbe ein Verbrechen, Vergehen

l'arrestation s'est faite, fera administrer justice contre lui et lui fera infliger la peine qu'il a encourue, quand même un tel individu serait sujet de l'autre Souverain.

En aucun cas l'individu arrêté dans le pays même où il s'est rendu coupable d'un crime, délit, ou excès quelconque, ne pourra être livré ni ne sera reçu dans l'autre pays avant d'avoir été condamné par jugement formel.

oder irgend eine Uebertretung sich hat zu Schulden kommen lassen, deshalb verhaftet worden ist, so kann der Souverain des Landes, in welchem die Verhaftung erfolgt ist, dasselbe zur Untersuchung ziehen und die verwirkte Strafe vollstrecken lassen, wenn auch dieses Individuum ein Unterthan des anderen Landesherrn wäre.—In keinem Falle wird ein Individuum, welches in dem Lande selbst, wo es sich eines Verbrechens, Vergehens oder irgend einer Uebertretung schuldig gemacht hat, verhaftet wurde, ausgeliefert, oder in dem anderen Lande übernommen werden, bevor es durch ordentliches Erkenntniß verurtheilt worden ist.

ARTICLE XVI.

(1.) L'arrestation d'un criminel qui doit être livré de la part d'un Etat à l'autre, aura lieu à la réquisition d'un bureau de police ou d'un tribunal du pays où le prévenu aura commis le crime qui lui est imputé, et cette réquisition sera adressée à un bureau de police ou à un tribunal de l'autre pays. Auront en outre le droit de faire une semblable réquisition: dans les Etats de Sa Majesté le Roi de Prusse, le Procureur du Roi; dans l'Empire de Russie, le Commissaire spécial chargé de veiller le long de la frontière au maintien des relations de bon voisinage; dans le Royaume de Pologne, les Chefs de districts limitrophes, ayant pour le maintien de ces relations les mêmes attributions et les mêmes droits que le Commissaire spécial Russe.

Les autorités respectives sont tenues, lors même qu'elles seraient incompétentes pour faire droit à la réquisition qui leur est adressée, de l'accepter et de la faire tenir sans délai aux fonctionnaires compétents.

(2.) L'extradition effective ne se fera toutefois, de la part de la Prusse, qu'à la réquisition du Gouverneur-Général ou du Gouverneur Civil du Gouvernement de l'Empire de Russie, ou à la réquisition du tribunal supérieur du Gouvernement du Royaume de Pologne, où le criminel ou prévenu a déjà été ou doit être soumis à une enquête judiciaire. Dans les cas prévus au présent Article, la réquisition sera adressée au tribunal supérieur de la Province de la Monarchie Prussienne où le criminel ou prévenu, fonctionnaire public ou autre, sera présumé avoir cherché un asile. Les autorités de l'Empire de Russie feront passer leurs réquisitions par l'intermédiaire du Commissaire spécial Russe.

(3.) De la part de la Russie et du Royaume de Pologne l'extradition aura lieu à la requisition du tribunal supérieur de la Province Prussienne où le criminel ou prévenu a déjà été ou doit être soumis à une enquête judiciaire, laquelle réquisition sera

Artikel XVI.

(1.) Die Verhaftung eines Verbrechers Behufs dessen Auslieferung soll erfolgen auf die Requisition einer Polizei- oder Gerichtsbehörde des Staates, in welchem der Angeschuldigte das ihm schuldgegebene Verbrechen begangen hat. Diese Requisition wird an eine Polizei- oder Gerichtsbehörde des andern Staates gerichtet. Es sollen zu einer solchen Requisition außerdem berechtigt sein: in den Staaten Seiner Majestät des Königs von Preußen der Königliche Staatsanwalt; in dem Kaiserthum Rußland der Spezialkommissarius, welcher beauftragt ist, längs der Grenze über die Aufrechterhaltung der freundnachbarlichen Beziehungen zu wachen; in dem Königreiche Polen die Vorsteher der Grenzkreise, welche für die Aufrechtirhaltung dieser Beziehungen dieselben Befugnisse und dieselben Rechte, wie der Russische Spezialkommissarius, haben.

Die betreffenden Behörden sind verpflichtet, selbst dann, wenn sie zur Erfüllung der ihnen zustehenden Requisition nicht kompetent sind, dieselbe anzunehmen, und sie unverzüglich an die kompetente Behörde zu befördern.

(2.) Die wirkliche Auslieferung geschieht jedoch von Seiten Preußens nur auf die Requisition des General-Gouverneurs oder des Civil-Gouverneurs desjenigen Gouvernements des Kaiserthums Rußland, oder auf die Requisition des Obergerichtes desjenigen Gouvernements des Königreichs Polen, wo gegen den Verbrecher oder Angeschuldigten eine gerichtliche Untersuchung bereits stattgefunden hat oder stattfinden soll. In den durch gegenwärtigen Artikel vorgesehenen Fällen wird die Requisition an das Obergericht derjenigen Provinz der Preußischen Monarchie gerichtet, wo der Verbrecher oder Angeschuldigte, sei er öffentlicher Beamter oder nicht, dem Vermuthen nach Zuflucht gesucht hat. Die Behörden des Kaiserthums Rußland werden ihre Requisitionen durch den Russischen Spezialkommissarius übermitteln lassen.

(3.) Von Seiten Rußlands und des Königreichs Polen wird die Auslieferung nur auf die Requisition des Obergerichtes derjenigen Preußischen Provinz erfolgen, wo gegen den Verbrecher oder Angeschuldigten eine gerichtliche Untersuchung bereits stattgefunden hat oder stattfin

adressée au Gouverneur-Général du Gouvernement de l'Empire de Russie, ou au tribunal supérieur du Gouvernement du Royaume de Pologne, où le criminel ou prévenu sera présumé avoir cherché un asile.

(4.) Les deux Gouvernements se communiqueront réciproquement la liste des tribunaux supérieurs et autorités publiques chargés dans les Etats respectifs d'expédier ces réquisitions.

(5.) Dans tous les cas précités, soit que la demande d'extradition été faite par un tribunal supérieur de la Prusse, soit qu'elle provienne d'un des Gouverneurs-Généraux ou Gouverneurs Civils de l'Empire de Russie, ou d'un tribunal supérieur ou d'un Gouverneur Civil du Royaume de Pologne, la réquisition doit être accompagnée d'une expédition, soit de la sentence, si elle a déjà été prononcée, soit de l'arrêt de mise en accusation ou du mandat d'arret (Haftbefehl) du tribunal compétent spécifiant en détail les circonstances du crime ou délit, ainsi que les motifs de suspicion.

Dans les cas de soustraction de fonds publics ou d'effets appartenant à la Couronne, la réquisition des Gouverneurs Civils devra être accompagnée, en outre, d'une spécification authentique des sommes ou effets détournés ou soustraits. Les mêmes formalités seront observées pour les réquisitions d'un tribunal supérieur de la Monarchie Prussienne.

(6.) La demande d'extradition et les pièces à l'appui devront être présentées dans les six mois, à compter du jour où l'annonce de l'arrestation du criminel ou du prévenu aura été expédiée au fonctionnaire ou au tribunal qui aura demandé cette arrestation. En cas de retard, l'obligation de livrer le criminel ou prévenu cessera.

(7.) L'extradition elle-même aura lieu lorsque, par suite de l'interrogatoire qu'on fera subir au prévenu, l'identité de sa personne aura été reconnue, et si l'action qui lui est imputée est telle que suivant les lois de l'Etat auquel s'adresse la réclamation, le coupable devrait également être soumis à une enquête criminelle. Si l'individu, dont on demande l'extradition est accusé de plusieurs crimes ou délits, l'extradition aura lieu aussi lorsqu'une seule des actions qui lui sont imputées entraînerait une procédure criminelle aux termes de la législation de l'Etat requis.

(8.) Pour être livré, le criminel sera transporté jusqu'à l'endroit où se trouve l'autorité de l'Etat requérant, chargée de le recevoir. Il lui sera remis contre le remboursement des frais.

den soll. Diese Requisition wird an den General-Gouverneur desjenigen Gouvernements des Kaiserthums Rußland oder an das Obergericht desjenigen Gouvernements des Königreichs Polen gerichtet, wo der Verbrecher oder Angeschuldigte dem Vermuthen nach Zuflucht gesucht hat.

(4.) Beide Regierungen werden sich gegenseitig das Verzeichniß der Obergerichte und öffentlichen Behörden mittheilen, welchen die Erlassung dieser Requisitionen in den betreffenden Staaten anvertraut ist.

(5.) In allen vorgedachten Fällen, der Antrag auf Auslieferung möge von einem Obergerichte Preußens gemacht sein oder von einem der General-Gouverneure oder der Civil-Gouverneure des Kaiserthums Rußland, oder von einem Obergerichte oder einem Civil-Gouverneur des Königreichs Polen ausgehen, soll die Requisition von einer Ausfertigung entweder des Erkenntnisses, wenn ein solches schon ergangen ist, oder des Beschlusses über die Eröffnung der Kriminaluntersuchung oder einem Haftbefehl des kompetenten Gerichts begleitet sein, in welchem die näheren Umstände des Verbrechens oder Vergehens, sowie die Verdachtsgründe auseinandergesetzt sind.

Bei Unterschlagungen von öffentlichen Geldern oder von Gegenständen, welche der Krone angehören, soll die Requisition der Civil-Gouverneure außerdem von einem authentischen Verzeichniß der Summen oder der Gegenstände begleitet sein, welche entfremdet oder unterschlagen worden sind. Dieselben Förmlichkeiten werden bei den Requisitionen eines Obergerichts der Preußischen Monarchie beobachtet werden.

(6.) Der Antrag auf Auslieferung und die zur Begründung desselben dienenden Dokumente sollen binnen sechs Monaten von dem Tage an, wo die Anzeige über die Verhaftung des Verbrechers oder des Angeschuldigten an den requirirenden Beamten oder das requirirende Gericht abgesandt wird, vorgelegt werden. Im Verzögerungsfalle erlischt die Verbindlichkeit zur Auslieferung des Verbrechers oder Angeschuldigten.

(7.) Die Auslieferung selbst soll erfolgen, nachdem durch Vernehmung des Angeschuldigten die Identität seiner Person festgestellt worden, und wenn die ihm schuldgegebene Handlung eine solche ist, daß auch nach den Gesetzen des requirirten Staates der Schuldige gleichfalls zur Kriminaluntersuchung gezogen werden müßte.

Ist das Individuum, dessen Auslieferung verlangt wird, mehrerer Verbrechen oder Vergehen angeschuldigt, so soll die Auslieferung auch dann stattfinden, wenn nur eine der ihm schuldgegebenen Handlungen nach der Gesetzgebung des requirirten Staates eine Kriminaluntersuchung zur Folge hätte.

(8.) Behufs der Auslieferung soll der Verbrecher bis an den Ort transportirt werden, wo sich die mit seiner Uebernahme beauftragte Behörde des requirirenden Staates befindet. Er wird derselben gegen Erstattung der Kosten übergeben werden.

ARTICLE XVII.

Il sera payé :

(*a.*) Pour l'entretien du criminel, à compter du jour de son arrestation, quatre (4) gros d'argent de Prusse, soit douze (12) copeks argent de Russie, par jour ;

(*b.*) Pour frais de détention, tant que celle-ci dure, cinq (5) gros d'argent de Prusse, soit quinze (15) copeks argent de Russie, par jour ; et en outre

(*c.*) Les déboursés à liquider dans chaque cas particulier pour le transport du criminel jusqu'à la frontière, et pour la fourniture des pièces d'habillement dont il avait besoin.

ARTICLE XVIII.

Ni les déserteurs, ni les individus sujets au service militaire, ni les criminels ne pourront, de la part de l'Etat qui le réclame, être poursuivis sur le territoire de l'autre Etat, soit par quelque acte de violence ou d'autorité arbitraire, soit clandestinement. Il est en conséquence défendu qu'un détachement militaire ou civil, quelqu'il soit, ou quelque émissaire secret, passe dans ce but la frontière des deux Etats.

Si, de la part de la Puissance réclamante, la poursuite d'un ou de plusieurs déserteurs, d'individus sujets au service militaire, ou de criminels qui se sont sauvés, a été ordonné au moyen d'un détachement militaire ou civil, ou de toute autre manière, cette poursuite ne devra s'étendre que jusqu'à la frontière qui sépare les deux Etats. Là le détachement devra s'arrêter, et un seul homme passera la frontière. Celui-ci s'abstiendra de tout acte de violence ou d'autorité privée, et s'adressera au fonctionnaire militaire ou civil compétent pour lui faire la demande de l'extradition, en lui exhibant l'acte de réquisition de ses supérieurs. Ce délégué sera reçu avec les égards que les deux Gouvernements se doivent mutuellement, et l'on procédera ensuite conformément aux termes de la présente Convention.

ARTICLE XIX.

(1.) Tout acte d'autorité qu'un employé civil ou militaire de l'un des deux Etats exercera sur le territoire de l'autre, sans y avoir été expressément autorisée par les fonctionnaires militaires ou civils compétents de ce dernier Etat, sera considéré comme une violation de territoire et puni en conséquence.

(2.) S'il s'élève des doutes sur le fait même de la violation de territoire, ou sur les circonstances particulières qui l'ont accompagnée, il sera établi une Commission Mixte, présidée par le Commissaire de la partie lésée. Les Commissaires perpétuels, désignés d'avance pour cet effet, seront pour la Prusse Conseiller Provincial du Cercle

Artikel XVII.

An Kosten werden—

(*a.*) Für den Unterhalt des Verbrechers, vom Tage seiner Verhaftung an, täglich vier (4) Silbergroschen Preußisch Kurant (zwölf [12] Kopeken Silber);

(*b.*) An Kosten der Haft, so lange diese dauert, täglich fünf (5) Silbergroschen Preußisch Kurant (fünfzehn [15] Kopeken Silber); und außerdem,

(*c.*) Die in jedem einzelnen Falle zu liquidirenden Auslagen für den Transport des Verbrechers und für Anschaffung der zu seiner Bekleidung erforderlich gewesenen Gegenstände bezahlt.

Artikel XVIII.

Weder Deserteure, noch Militairpflichtige, noch Verbrecher, können von Seiten des reklamirenden Staates auf gewaltsame, eigenmächtige oder heimliche Weise auf das Gebeit des andern Staates verfolgt werden. Es ist daher untersagt, daß zu diesem Zwecke irgend ein Militair- oder Civilkommando oder geheimer Abgeordneter die Grenze beider Staaten überschreite. Ist von Seiten der reklamirenden Macht die Verfolgung eines oder mehrerer Deserteure oder Militairpflichtiger, oder geflüchteter Verbrecher mittelst eines Militair- oder Civil-Kommandos, oder auf andere Art verfügt worden, so darf sich diese Verfolgung nicht weiter als bis zur Grenze, welche beide Staaten von einander trennt, erstrecken. Hier muß das Kommando Halt machen, und nur Ein Mann darf die Grenze überschreiten. Dieser muß sich, bei Enthaltung jeder Ausübung von Gewalt oder Eigenmacht, unter Vorzeigung des Requisitionsschreibens seiner Vorgesetzten, an die kompetente Militair- oder Civilbehörde wenden und auf die Auslieferung antragen. Ein solcher Abgeordneter wird mit denjenigen Rücksichten, welche beide Gouvernements sich gegenseitig schuldig sind, empfangen werden, und das weitere Verfahren erfolgt sodann nach der Vorschrift des gegenwärtigen Vertrages.

Artikel XIX.

(1.) Jede amtliche Handlung, welche ein Civil- oder Militairbeamter des einen der beiden Staaten auf dem Gebiete des anderen Staates ausübt, ohne von der kompetenten Militair- oder Civilbehörde dieses letzteren Staates dazu ausdrücklich ermächtigt zu sein, soll als eine Gebietsverletzung angesehen und demgemäß bestraft werden.

(2.) Wenn sich Zweifel über die Thatsache der Gebietsverletzung selbst oder über die besonderen Umstände erheben, welche sie begleitet haben, so soll eine gemischte Kommission unter Vorsitz des Kommissarius des verletzten Theiles niedergesetzt werden. Beständige, hierzu im Voraus bestimmte Kommissarien sollen für Preußen der Landrath desjenigen Kreises, an dessen Grenze die

(Landrath) sur la frontière duquel la violation du territoire doit avoir eu lieu, pour l'Empire de Russie le Commissaire Spécial chargé de veiller au maintien des relations de bon voisinage, et pour le Royaume de Pologne le Chef du District limitrophe le plus rapproché.

(3.) Du côté de la Prusse, le Procureur Supérieur du district de juridiction (Ober-Staatsanwalt des Ober-Gerichtsbezirkes) ou le Procureur du cercle sur la frontière duquel la violation de territoire sera censée avoir eu lieu, aura le droit d'assister aux travaux de la Commission Mixte; et dans ce cas un employé de justice délégué à cet effet, soit de la part du Gouvernement Impérial, soit de la part de l'Administration du Royaume de Pologne, y assistera également. Dans tous les cas les membres de la Commission Mixte seront en nombre égal de la part de chacune des Hautes Puissances Contractantes.

Dans de cas particuliers il sera loisible aux deux Gouvernements de confier ces enquêtes à des employés envoyés *ad hoc*.

(4.) Les Commissaires auront le droit de s'adjoindre dans des cas particuliers un employé de justice pour entendre et assermenter les témoins. Si des militaires de rang inférieur ou appartenant à la garde frontière se trouvaient impliqués dans l'affaire dont il s'agit, leur interrogatoire ne pourra avoir lieu qu'en présence de Délégués envoyés *ad hoc* par l'autorité militaire compétente.

(5.) La Commission Mixte aura soin de bien éclaircir les faits, pour constater si effectivement une violation de territoire a eu lieu, et qui en est l'auteur. Si la Commission est d'accord à ce sujet, les pièces du procès seront transmises au tribunal compétent de l'Etat auquel le prévenu appartient, afin que la peine soit prononcée et incessamment portée à la connaissance de l'Etat dont le territoire aura été violé.

Tout individu arrêté dans le pays même où il aura commis une violation de territoire, sera traduit devant le tribunal le plus proche de ce pays, soit militaire, soit civil, selon que le coupable appartiendra à l'état militaire ou civil. Le dit tribunal examinera le fait, entendra les temoins, et instruira le procès jusqu'au point où la sentence pourra être prononcée. Les pièces de la procédure seront transmises alors, soit au Général-en-Chef des troupes auxquelles appartient le coupable, soit lorsque celui-ci est un employé civil, à son supérieur compétent, afin de faire prononcer la sentence conformément aux lois de chaque pays.

L'information du procès aura lieu sans interruption et devra être accélérée autant que possible. Si le tribunal chargé de pro-

Gebietsverletzung vorgekommen sein soll, für das Kaiserthum Rußland der Spezialkommissarius, welcher beauftragt ist, über die Aufrechterhaltung der freundnachbarlichen Beziehungen zu wachen, für das Königreich Polen der Vorsteher des nächsten Grenzkreises sein.

(3.) Preußischer Seits soll der Ober-Staatsanwalt des Obergerichts-Bezirkes oder der Staatsanwalt des Bezirkes, auf dessen Grenze die Gebietsverletzung stattgefunden haben soll, berechtigt sein, den Verhandlungen der gemischten Kommission beizuwohnen, und in diesem Falle wird an denselben ein zu dem Ende von der Kaiserlich Russischen Regierung oder von der Regierung des Königreichs Polen abgesandter Justizbeamter ebenfalls theilnehmen. In allen Fällen sollen die Mitglieder der gemischten Kommission jeder der hohen kontrahirenden Mächte gleich an der Zahl sein.

In besonderen Fällen bleibt es den beiden Regierungen vorbehalten, diese Untersuchung besonders zu dem Zwecke abgeordneten Beamten anzuvertrauen.

(4.) Die Kommissarien sollen das Recht haben, in besonderen Fällen sich einen Justizbeamten zuzuordnen, um die Zeugen zu vernehmen und zu vereidigen.

Wenn Militairs geringeren Grades oder solche, welche der Grenzwache angehören, in die Angelegenheit verwickelt sind, um die es sich handelt, so soll ihr Verhör nur in Gegenwart von Kommissarien stattfinden, welche von der kompetenten Militairbehörde ad hoc abgeordnet sind.

(5.) Die gemischte Kommission soll Sorge tragen, die Thatsachen vollständig aufzuklären, um festzustellen, ob wirklich eine Gebietsverletzung stattgefunden, und wer sie begangen hat. Wenn die Kommission hierüber einig ist, werden die verhandelten Akten dem kompetenten Gerichte des Staates, welchen der Angeschuldigte angehört, übersandt, um die Strafe festzusetzen, von welcher unverzüglich dem Staate, dessen Gebiet verletzt worden, Kenntniß gegeben werden soll.

Jedes Individuum, welches in dem Staate selbst, wo dasselbe eine Gebietsverletzung begangen hat, verhaftet worden ist, soll vor das nächste Militair- oder Civilgericht dieses Staates, je nachdem der Schuldige dem Militair- oder Civilstande angehört, gebracht werden. Dieses Gericht soll die Thatsache untersuchen, die Zeugen vernehmen und die Sache so weit instruiren, daß die Abfassung des Erkenntnisses erfolgen kann. Die verhandelten Akten werden alsdann entweder dem kommandirenden General der Truppen, zu denen der Schuldige gehört, oder, wenn letzterer ein Civilbeamter ist, seiner vorgesetzten Behörde übersandt, um das Urtheil nach den Gesetzen des Landes fällen zu lassen.

Die Untersuchung soll ohne Unterbrechung geführt und möglichst beschleunigt werden. Begehrt das Gericht, welches das Urtheil zu sprechen

noncer la sentence, demande auparavant des éclaircissements ultérieurs, ces éclaircissements seront fournis à la réquisition du dit tribunal par les Commissaires chargés de l'information du délit.

ARTICLE XX.

Il est défendu aux autorités et aux sujets des Hautes Parties Contractantes, soit de recéler un déserteur, un individu sujet au service militaire et déjà réclamé, ou un criminel passible d'extradition, soit de les aider à se rendre dans d'autres contrées plus éloignées, afin de les soustraire par-là à l'extradition.

Les Gouvernements respectifs procéderont d'après les lois du pays contre les personnes qui commettraient un délit de cette nature, et les autorités des deux Etats se donneront mutuellement pour leur propre satisfaction des renseignements sur la manière dont les contrevenants auront été recherchés et punis.

ARTICLE XXI.

Il sera rigoureusement défendu aux sujets des Hautes Parties Contractantes d'acheter, de quelque individu que ce soit, ne fût-il pas encore reconnu être un déserteur, ou réclamé comme tel, des effets qui portent indubitablement le caractère d'une propriété de l'Etat. Il leur sera surtout interdit d'acheter le cheval qu'un déserteur aura emmené avec lui, ou de faire l'acquisition d'objets qu'un criminel aura emportés en se sauvant, et dont il se trouvera possesseur illégitime. Chacun des deux Gouvernements emploiera tous les moyens que lui offrent les lois du pays, pour faire gratuitement rentrer l'autre en possession de ces objets, ainsi que des effets militaires susmentionnés.

ARTICLE XXII.

Si l'extradition d'un déserteur, d'un individu sujet au service militaire, ou d'un criminel de la catégorie plus haut mentionnée, n'a pas été faite dans un cas où, d'après cette Convention elle aurait dû avoir lieu, et que le dit individu, par une nouvelle fuite, retourne dans le pays auquel il aurait dû être livré, le Souverain de ce pays ne sera pas tenu de le rendre.

ARTICLE XXIII.

(1.) Chacun des deux Etats s'oblige à reprendre ceux de ces propres sujets dont l'autre Etat voudrait se débarrasser. Cette obligation cessera toutefois, s'il s'est écoulé dix ans depuis que l'individu qu'on veut renvoyer a quitté son pays natal et que pendant ce temps il a vécu à l'étranger sans

hat, zuvor noch anderweite Aufklärungen, so sollen diese auf Requisition des gedachten Gerichtes durch die mit der Untersuchung beauftragten Kommissarien beschafft werden.

Artikel XX.

Beide hohen kontrahirenden Theile verbieten ihren Behörden oder Unterthanen, einen Deserteur, bereits reklamirten Militairpflichtigen, oder zur Auslieferung geeigneten Verbrecher zu verbergen, oder demselben nach anderen entfernten Gegenden fortzuhelfen, um ihn auf diese Weise der Auslieferung zu entziehen.

Wider diejenigen, welche sich eines Vergehens dieser Art schuldig machen, werden die beiderseitigen Gouvernements, nach Maaßgabe ihrer resp. Landesgesetze, verfahren, und die Behörden beider Staaten werden einander zu ihrer Genugthuung Kenntniß davon geben, daß und auf welche Weise die Kontravenienten zur Verantwortung und Strafe gezogen worden sind.

Artikel XXI.

Die hohen kontrahirenden Theile werden ihren respektiven Eingesessenen auf das Strengste untersagen, von irgend einem Individuum, auch wenn dasselbe als Deserteur noch nicht erkannt oder reklamirt sein sollte, Effekten anzukaufen, welche den Charakter von Staatseigenthum unverkennbar an sich tragen. Dieselben sollen ganz besonders vor dem Ankaufe des von einem Deserteur mitgebrachten Dienstpferdes und vor der Erwerbung der von einem flüchtig gewordenen Verbrecher mitgebrachten, widerrechtlich von ihm besessenen Sachen gewarnt werden. Jede der beiden Regierungen wird alle ihr durch die Landesgesetze zu Gebote stehenden Mittel anwenden, um sich gegenseitig zur unentgeltlichen Wiedererlangung dieser Gegenstände, sowie der obgedachten Militaireffekten, behülflich zu sein.

Artikel XXII.

Wenn die Auslieferung eines Deserteurs Militairpflichtigen oder Verbrechers der oben bezeichneten Art in einem solchen Falle nicht erfolgt ist, wo sie nach dieser Konvention hätte erfolgen sollen, und ein dergleichen Individuum durch Flucht wieder in das Land zurückkehrt, dem dasselbe hätte ausgeliefert werden sollen, so ist der Souverain dieses Landes nicht verpflichtet, ein solches Individuum wieder herauszugeben.

Artikel XXIII.

(1.) Jeder der beiden Staaten verpflichtet sich, diejenigen seiner Unterthanen wieder zu übernehmen, welche der andere Staat ausweisen will. Diese Verbindlichkeit soll jedoch erlöschen, wenn zehn Jahre verflossen sind, seitdem das auszuweisende Individuum sein Vaterland verlassen und während dieser Zeit im Auslande

passeport en règle ou certificat d'origine (Heimathsschein) délivré par l'autorité compétente, ou bien si ce passeport ou certificat d'origine (Heimathsschein) a cesse d'être valable depuis dix ans.

(2.) Ce laps décennal ne sera pas censé interrompu par un emprisonnement ou une détention quelconque à laquelle l'individu renvoyé aurait été condamné dans le pays qui le renvoie. Au contraire, la durée de cette détention sera comprise dans le nombre des années à l'expiration desquelles cesse pour le pays natal l'obligation de reprendre l'individu, et cette obligation cessera *ipso facto* si le terme de dix ans venait à expirer pendant la durée de la détention.

(3.) S'il arrivait qu'un individu condamné à un emprisonnement ou une détention quelconque fût rendu à son pays natal avant le terme de dix ans fixé ci-dessus, et sans avoir subi sa peine en entier, il pourra être soumis à en accomplir le reste dans le pays qui le reçoit, et cette peine y sera commuée alors selon l'exigence du cas et conformément à ce que prescrivent les lois en vigueur.

(4.) Les individus dont les passeports, certificats d'origine ou autres pièces de légitimation sont encore valables, ou ne sont expirés que depuis un an, pourront s'ils sont sujets de l'un des deux Etats, y être transférés sans correspondance préalable avec les autorités compétentes de cet Etat.

(5.) La remise et l'admission des individus ci-dessus désignés se feront :—

(*a.*) De la part de la Prusse par l'intermédiaire des Conseillers Provinciaux des cercles limitrophes ;

(*b.*) De la part de la Russie et du Royaume de Pologne, selon l'exigence du cas, soit par l'intermédiaire des autorités militaires sur les points désignés dans l'Article X de la présente Convention pour l'extradition régulière des déserteurs et autres individus, soit par l'intermédiaire des douanes ou barrières qui en dépendent.

(6.) Hors les cas prévus au paragraphe 4 aucun individu se disant sujet de l'une des Hautes Parties Contractantes ne pourra être transféré sur le territoire de l'autre qu'à la suite d'une entente préalable entre les autorités compétentes, qui sont :—

Pour la Prusse, les Conseillers Provinciaux (Landräthe) des cercles limitrophes ; pour la Russie et pour le Royaume de Pologne, le Commissaire spécial Russe et le Chef du district limitrophe Polonais, chacun pour ce qui le concerne (Article XIX, § 2).

(7.) Aussitôt qu'il aura été constaté par des preuves irréfragables que l'individu qu'il s'agit de renvoyer est effectivement sujet de

gelebt hat, ohne mit einem ordnungsmäßigen Paß oder einem Heimathschein Seitens der kompetenten Behörde versehen zu sein, oder auch wenn dieser Paß oder Heimathschein seit zehn Jahren abgelaufen ist.

(2.) Diese zehnjährige Frist soll durch eine Gefängnisstrafe oder durch irgend welche Haft, zu der das ausgewiesene Individuum in dem ausweisenden Staate etwa verurtheilt gewesen ist, nicht als unterbrochen erachtet werden. Im Gegentheil soll die Dauer dieser Haft in die Zahl der Jahre einbegriffen sein, nach deren Verlauf für den Heimathstaat die Verpflichtung zur Zurücknahme des Individuums erlischt, und diese Verpflichtung soll ipso facto aufhören, wenn die zehnjährige Frist während der Dauer der Haft abgelaufen ist.

(3.) Sollte ein zu Gefängnißstrafe oder irgend einer Haft verurtheiltes Individuum seinem Heimathstaate vor Ablauf der hier oben festgesetzten zehnjährigen Frist ausgeliefert werden, und zwar ohne seine Strafe vollständig verbüßt zu haben, so soll er angehalten werden können, den Rest derselben in dem übernehmenden Staate abzubüßen, und diese Strafe wird sodann dort nach Erforderniß des Falles und in Gemäßheit der in Kraft befindlichen Gesetze umgewandelt werden.

(4.) Die Individuen, deren Pässe, Heimathscheine oder andere Legitimationspapiere noch gültig oder nicht länger als seit Jahresfrist abgelaufen sind, sollen, wenn sie Unterthanen des einen der beiden Staaten sind, in denselben ohne vorgängige Korrespondenz mit dessen kompetenten Behörden ausgewiesen werden können.

(5.) Die Ausweisung und die Uebernahme der vorstehend bezeichneten Individuen geschieht :—

(*a.*) Von Seiten Preußens durch Vermittelung der Landräthe der Grenzkreise ;

(*b.*) Von Seiten Rußlands und des Königreichs Polen, je nach Erforderniß, entweder durch Vermittelung der Militairbehörden auf den im Artikel X. der gegenwärtigen Konvention für die regelmaßige Auslieferung von Deserteuren und anderen Individuen bestimmten Punkten, oder durch Vermittelung der Grenzzollämter oder der Uebergangsstationen, die von ihnen abhängen.

(6.) Die im § 4. vorgesehenen Fälle ausgenommen, soll kein Individuum, welches sich für einen Unterthan eines der beiden hohen kontrahirenden Theile ausgiebt, anders auf das Gebiet des andern Staates ausgewiesen werden dürfen, als nach vorgängiger Verständigung zwischen den kompetenten Behörden, welche sind :

Für Preußen die Landräthe der Grenzkreise ;

Für Rußland und für das Königreich Polen der Russische Spezialkommissarius und der Vorsteher des Polnischen Grenzkreises, jeder soweit es ihn betrifft (Artikel XIX., § 2).

(7.) Sobald durch unabweisliche Gründe festgestellt worden, daß das auszuweisende Individuum wirklich Unterthan des Staates ist, bei

l'Etat auquel l'admission en est proposée, il y sera immédiatement admis sans distinction de religion ou d'origine (Heimath), lors même qu'il ne serait pas possible de déterminer au juste l'endroit de sa naissance ou la commune à laquelle il appartient.

(8.) Dans tous les cas susmentionnés les frais, quels qu'ils soient, résultant d'une translation de cette catégorie resteront à la charge de l'Etat qui l'aura opérée.

(9.) Si le Gouvernement de Russie ou celui de Pologne voulait se défaire d'un individu dont le transport dans sa patrie ne pourrait être effectué qu'à travers le territoire Prussien, le Gouvernement de Prusse ne refusera jamais son consentement à l'exécution d'un pareil transport, pourvu que, lors de l'extradition de cet individu aux autorités frontières Prussiennes, il leur soit remis en même temps :—

(1.) Une déclaration certifiée du Gouvernement auquel appartient cet individu, portant son consentement à le recevoir ;

(2.) Le montant complet des frais de transport et d'entretien de l'individu en question, pour toute la route jusque dans sa patrie.

Si ces deux conditions ne sont pas complètement remplies, le Gouvernement Prussien, vû les Conventions qui existent à cet égard entre lui et d'autres Etats, ne pourra se prêter à recevoir un individu qui devra être transporté dans un Etat tiers.

Dans le cas où de pareils individus appartenant à un Etat tiers auraient néanmoins été admis dans les Etats Prussiens, en vertu d'un passeport délivré par des autorités Russes ou Polonaises, et que leur prétendu pays natal refusât de les recevoir, les autorités Prussiennes pourront les renvoyer en Russie ou en Pologne pendant la durée d'un an, à dater de leur entrée de l'un de ces pays en Prusse, en consignant dans leurs passeports le motif de ce renvoi.

Mais si des étrangers qui auraient volontairement quitté le territoire Russe ou Polonais, ou qui en auraient été renvoyés sans être dirigés sur un point quelconque de la Monarchie Prussienne, venaient néanmoins à se présenter en Prusse, parce que le pays dont ils se disent originaires aurait refusé de les recevoir, le fait qu'ils se trouvent munis de passeports de sortie Russes ou Polonais ne pourra pas être un motif de leur renvoi, en Russie ou en Pologne, et dans ce cas les autorités Russes et Polonaises ne seront pas obligées de les réadmettre.

welchem seine Uebernahme beantragt ist, so soll dasselbe unverzüglich und ohne Rücksicht auf Religion oder Heimath übernommen werden, und zwar selbst dann, wenn es nicht möglich sein sollte, dessen Geburtsort oder die Gemeinde, der es angehört, genau zu bestimmen.

(8.) In allen vorerwähnten Fällen bleiben die Kosten jeglicher Art, welche durch eine solche Ausweisung entstehen, dem ausweisenden Staate zur Last.

(9.) Wenn die Kaiserlich Russische oder die Königlich Polnische Regierung in den Fall kommen sollte, sich eines Individuums entledigen zu wollen, dessen Transportirung in seine Heimath nicht füglich anders, als durch das Preußische Gebiet geschehen könnte, so wird die Königlich Preußische Regierung ihre Einwilligung hierzu nie versagen, wenn, bei Ueberlieferung des Auszuweisenden an die Preußischen Grenzbehörden, diesen zugleich

(1.) Eine bescheinigte Annahme-Erklärung derjenigen Landesregierung, welcher der Auszuweisende angehört, und

(2.) Der vollständige Betrag der Transport- und Unterhaltungskosten des Auszuweisenden für den ganzen Weg bis in seine Heimath

übergeben wird.

Ohne die vollständige Erfüllung der beiden vorstehenden Bedingungen kann sich die Königlich Preußische Regierung bei den zwischen ihr und andern Staaten in dieser Beziehung bestehenden vertragsmäßigen Vereinbarungen zur Uebernahme irgend eines, einem dritten Staate zuzuweisenden Individuums nicht verstehen.

In dem Falle, wo dergleichen einem dritten Staate angehörige Individuen dennoch in die Preußischen Staaten auf Grund eines ihnen von einer Russischen oder Polnischen Behörde ertheilten Passes zugelassen sein sollten, und ihr angeblicher Heimathstaat ihre Aufnahme verweigerte, sollen die Preußischen Behörden sie nach Rußland oder Polen binnen einer Frist von Einem Jahre, von ihrem Eintritte aus einem dieser Länder nach Preußen an gerechnet, zurückweisen dürfen, indem auf ihren Pässen der Grund dieser Zurückweisung vermerkt wird.

Wenn aber Ausländer, welche das Russische oder Polnische Gebiet freiwillig verlassen haben, oder welche aus demselben ausgewiesen worden sind, ohne nach irgend einem Punkte der Preußischen Monarchie dirigirt zu werden, sich dennoch in Preußen einfinden sollten, weil ihr angeblicher Heimathstaat ihre Aufnahme verweigerte, so soll der Umstand, daß sie mit Russischen oder Polnischen Ausgangspässen versehen sind, keinen Anlaß zu ihrer Zurückweisung nach Rußland oder Polen abgeben können und in diesem Falle die Russischen und Polnischen Behörden auch nicht verpflichtet sein, sie wieder zuzulassen.

ARTICLE XXIV.

La durée de la présente Convention, dont toutes les dispositions sont également appli-

Artikel XXIV.

Die Dauer der gegenwärtigen Konvention, deren sämmtliche Bestimmungen gleichmäßig auf

cables au Royaume de Pologne, est fixée à douze ans.

das Königreich Polen Anwendung finden, ist auf zwölf Jahre festgesetzt.

ARTICLE XXV.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Berlin dans l'espace de six semaines ou plus tôt si faire se peut.

En foi de quoi, nous, les Plénipotentiaires respectifs, l'avons signée et y avons apposé le sceau de nos armes.

Fait à Berlin, le $\frac{8 \text{ Août}}{27 \text{ Juillet}}$ 1857.

v. MANTEUFFEL. (L.S.)

v. BRUNNOW. (L.S.)

Artikel XXV.

Die gegenwärtige Konvention wird ratifizirt werden, und die betreffenden Ratifikationsinstrumente sollen in Berlin binnen sechs Wochen, oder noch früher, wenn es thunlich ist, ausgewechselt werden.

Zur Beglaubigung dessen haben wir, die beiderseitigen Bevollmächtigten, solche unterzeichnet und mit unserem Siegel versehen.

Geschehen zu Berlin, den $\frac{8. \text{ August}}{27. \text{ Juli}}$, 1857.

v. Manteuffel. (L.S.)

v. Brunnow. (L.S.)

Der vorstehende Vertrag ist ratifizirt worden, und hat die Auswechselung der Ratifikations-Urkunden zu Berlin am 4 September stattegefunden.

(Translation.)

Cartel Convention, signed by the Plenipotentiaries of His Majesty the King of Prussia and His Majesty the Emperor of all the Russias, King of Poland, $\frac{\text{August } 8}{\text{July } 27}$, 1857.

In the Name of the Most Holy and Indivisible Trinity!

THE Cartel Convention concluded on the $\frac{20}{8}$th May, 1844, between His Majesty the King of Prussia, and His Majesty the Emperor of all the Russias, King of Poland, having expired, and some of its provisions having been recognized as susceptible of receiving more development and precision, their Majesties have thought it useful and convenient to conclude a new Cartel Convention, and to this effect have named their Plenipotentiaries, namely:—

His Majesty the King of Prussia, Otho Theodore, Baron de Manteuffel, President of his Council, and his Minister for Foreign Affairs, &c., &c., &c.;

And His Majesty the Emperor of all the Russias, King of Poland, Philip, Baron de Brunnow, his Privy Councillor, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Prussia, &c., &c., &c.;

Who, after having exchanged their full powers, found in good and due form, concluded and signed the Cartel Convention, of which the following is the verbal tenour:—

ARTICLE I.

The present Convention, which shall be put in execution four weeks after the exchange of ratifications, shall apply—

(*a.*) To all individuals who desert from the active service of the respective armies, as well as to the military effects they may have carried away, such as horses, equipments, arms, clothes; further, to individuals who have only obtained leave on the condition of presenting themselves at the first summons for active service, and who consequently belong to the reserve;

(*b.*) To all individuals who, according to the laws of the State which they have left, with or without the intention of returning to it, are subject even prospectively to military service;

(*c.*) To individuals who, having committed crimes or offences in one of the two States, have fled to the territory of the other, in order to escape the pursuit of justice and the penalty which they have incurred.

ARTICLE II.

If the individuals mentioned in the preceding Article under letter (*a*) are taken in uniform, if other articles of military equipment are found on them, or, generally, if they have undoubtedly deserted from the military service of the other State, they shall at once, and without preliminary requisition on the part of the State, be arrested and taken, with the military effects found on them, to the frontier which divides the two States, in order to be

there given up to the respective authorities charged with receiving them. With regard to the individuals whose desertion is not clear, but is made probable by their own declaration, or by particular circumstances, the military or civil authorities who shall become aware of the residence of such a person shall at once take the necessary measures to prevent his escape. They will then have a statement on the subject drawn up and will communicate it to the provincial military authorities of the other State, who will then declare whether the individual designated has really deserted or not, whereupon, in case the reply is affirmative, the deserter shall be delivered over to them in the manner above pointed out.

The individuals mentioned in the preceding Article (letter *b*) shall only be arrested and given up upon an express requisition, which in every special case shall be made by the competent authorities of the State to which these individuals belong.

ARTICLE III.

(1.) The extradition of individuals belonging to classes (*a*) and (*b*) of Article I shall not, however, take place, if, before going to the State which they last left, or before taking service there, they have been subjects of the State to which they have fled upon their desertion, and provided that the position belonging to them on account of this circumstance has not been annulled according to the forms prescribed by the laws of that State. But even in that case the horses and military effects which they may have carried off when deserting shall be restored.

(2.) In the same way, if an individual belonging to one or other of these two classes has been guilty of any crime or offence in the State to which he has fled, his extradition may be refused until he has undergone the punishment decreed by the laws of that State.

(3.) In cases where the arrest and extradition of an individual are to take place only upon requisition (as stipulated in Article II, with regard to deserters not recognizable as such), if the space of two years has elapsed since the desertion or flight of an individual in this category, the State to which a requisition for his extradition is addressed shall not be bound to comply with it. If, however, a refractory or a deserter should have committed or been accused of a crime or offence before his flight, his extradition shall take place according to the rules laid down in Articles XV and XVI, which follow, even if a space of two years should have elapsed since the time of his flight or desertion.

ARTICLE IV.

The communications which, according to Article II, shall take place with regard to persons suspected of having deserted from the service of one or other of the High Contracting Parties, shall be addressed, on the part of Prussia, to the Commander-in-chief and to the officers charged with the extradition of deserters, and, on the part of Russia and Poland, to the General commanding in the nearest Prussian province. The requisitions relating to the individuals mentioned in Article I, under the letter (*b*), shall be addressed, on the part of Prussia, to the nearest civil and military authorities of Russia or Poland, and on the part of Russia and Poland to the nearest Prussian Provincial Government.

In the Empire of Russia the special Commissary, whose mission is to watch over the maintenance of friendly relations on the frontier, shall be also authorized, as heretofore, to make and receive the communications and requisitions provided for in the present Article.

ARTICLE V.

If it should happen that an individual, before his desertion from the service of one or other of the High Contracting Parties, should have deserted from the troops of another Sovereign or another State with which one of the High Contracting Parties has concluded a Cartel Convention, the deserter shall notwithstanding be given up to the army which he has last deserted from.

ARTICLE VI.

It is expressly forbidden to the respective military and civil authorities to enlist into the military or civil service of their Sovereign an individual whose desertion from the military service of the other State may be assumed to be certain, or even probable. They shall not allow any sub-officer or soldier of the army of the neighbouring State to pass the frontier, unless furnished with a passport or permit from the Chief or Commander of the corps to which he belongs. Every individual who, not able to produce such passport or permit, is discovered by the authorities, or denounced to them by their subordinates, and whom external marks or other circumstances cause to be suspected of belonging to the troops of the other State, shall be at once arrested with all the effects found on him. He

shall be subjected to an examination, and steps shall then be taken in conformity with the provisions of Article II.

ARTICLE VII.

The High Contracting Parties shall take care that satisfaction shall be promptly and unreservedly given to the requisitions of extradition which may be addressed to their authorities. Even in cases where the individuals claimed have meanwhile entered the service of the State in whose territory they are, this circumstance shall have no influence on the mutual obligations resulting from the present Article.

ARTICLE VIII.

If doubts should arise as to the accuracy of any fact reported in the Act of Requisition, such doubts will not, except in the cases mentioned in Article III, justify a refusal of extradition.

ARTICLE IX.

The extradition of a deserter or of an individual subject to military service must always and without exception be accompanied not only by a statement drawn up to establish the resasons and circumstances of his arrest, but if he belongs to the category of those who, according to Article II, must be given up spontaneously, the military effects which have afforded the means of detecting his desertion shall also be restored with him. If, on the other hand, the individual belongs to the class of those who are to be delivered up only after a preliminary communication between the respective military authorities or a special requisition, in that case, in order to make it certain that his extradition is in conformity with the principles established in the present Convention, the act of requisition concerning him must be produced, in original or in a certified copy, at the time of his extradition.

ARTICLE X.

The points of the frontier at which the regular extradition of deserters and other individuals formerly took place shall continue to serve for the same purpose as long as the respective authorities do not agree upon a change in this respect. The names of the functionaries in these places who are charged with receiving the individuals to be given up shall, according as they belong to the civil or military service, be notified by the competent military or civil authorities to those of the other State.

ARTICLE XI.

(1.) For every deserter or individual connected with the military service, the expense of maintenance will be defrayed at the rate of four silver groschen, Prussian currency, or twelve silver copecks daily, reckoning from the day on which he may have been arrested, in order to be given up either spontaneously or upon a requisition. If the deserter has carried away a troop horse, there will be supplied for the latter daily, dating from the time above mentioned, two metzes of oats and eight pounds of hay, with the necessary straw, and this forage will be rated each time at the current market-price of the nearest town.

(2.) The extradition of the deserter will take place, at the latest, eight days after his arrest, which shall follow immediately on his discovery. The expenses of his maintenance shall only be repaid on either side for the same term of eight days, unless the distance of the place where the deserter shall have been arrested, or other circumstances to be clearly established, unavoidably delay beyond that term his extradition to the competent authorities. If, on account of sickness, the deserter be received into a hospital, the expenses resulting from it will be repaid by the Government which claims him at the rate of five silver groschen, Prussian, or fifteen silver copecks, daily, for the whole period during which his state of health may detain him in the hospital.

ARTICLE XII.

If, besides the deserter himself, the troop-horse brought away by him is discovered, and the horse is restored to the State to which it belongs, the person by whose information the horse has been seized will receive from the State to which the restitution is made a recompense of seven crowns and a-half, Prussian (six roubles seventy-five silver copecks).

ARTICLE XIII.

In order that this reward may be paid without delay, as also the expenses of maintenance mentioned in Article XI, which can in no case be augmented, the High Contracting Parties will deposit in the hand of the officials charged with the extradition and reception of deserters, a certain sum of money, from which they will, on the extradition of the deserter, or the individual subject to military service and the horse, provide the expenses of maintenance, on a statement presented to the above-mentioned officials by the officials of the other State charged with the extradition, as also the reward for seizure of the horse. If the said statement be found faulty, which, however, can hardly happen, after the exact regulation of the rate of remuneration and of maintenance, the specified sum shall nevertheless be paid, and objections will only be taken into consideration subsequently, excepting only when the provision of Article IX concerning the simultaneous restitution of the military effects found on the deserter has not been fulfilled, or the act of requisition has not been produced in original or certified copy, in which case neither the expense of maintenance nor the reward shall be paid.

ARTICLE XIV.

Deserters and individuals subject to military service being unable to contract debts which the State to which they belong would be legally obliged to discharge, the debts they may owe shall not, at the time of the extradition, become a subject of discussion between the authorities of the two States. If an individual, during his residence in the State which gives him up, has laid himself under obligations to private individuals which his extradition prevents him from fulfilling, the party wronged can only establish his case before the competent authorities of the State to which the debtor belongs.

In like manner if a deserter or individual subject to military service should, at the time of his being claimed, be under arrest for engagements contracted by him towards private individuals, the state to whom the requisition is made, will not, on that account, be freed from the obligation of delivering him up without delay.

ARTICLE XV.

(1.) Those who commit a crime or offence in the country of one of the two Sovereigns, or who are accused or charged with having committed one, and who then take refuge in the country of the other Sovereign, shall be mutually given up, upon a requisition made after the form indicated in the under-mentioned Article XVI.

(2.) The position or the condition of the criminal, the accused, or the person charged, will in no wise change this arrangement, and he shall be given up, whatever his position or condition may be, whether he be noble, a townsman, or a countryman,—free, serf, military or civil.

(3.) But if the said criminal or accused person is a subject of the Sovereign into whose country he has fled, after having committed a crime or offence in the country of the other Sovereign, his extradition shall not take place, but the Sovereign whose subject he is shall have good and prompt justice administered to him according to the laws of the country. It is particularly agreed that when an individual passes from the territory of one State to that of another, commits a crime or an offence there, and then returns to the State from whence he had come, the authorities of that State (although the extradition of such an individual should be inadmissible according to the above-mentioned stipulation) shall nevertheless, if they are requested to do so, afford to the competent authorities of the State on whose territory the crime or offence has been committed, all the help and assistance which the laws of the country will permit, to establish the facts and discover the culprits belonging to the other State, provided that the action committed is such as is also punishable according to the laws of the State of which the requisition is made. If, however, any individual has been arrested in the country where he has committed any crime, offence, or excess, then the Sovereign of the country in which the arrest is made shall have justice administered to him, and shall cause the punishment which he has incurred to be inflicted on him, even if such an individual is the subject of the other Sovereign.

In no case can an individual, arrested in the country itself in which he has been guilty of any crime, offence, or excess, be delivered to or be received in the other country before having been condemned by a formal judgment.

ARTICLE XVI.

(1.) The arrest of a criminal who is to be given up by one State to another, shall take place at the requisition of a police-office or of a tribunal of the country in which the

accused has committed the crime which is imputed to him, and this requisition shall be addressed to a police office or a tribunal of the other country. The following shall also have the right to make a similar requisition: in the States of His Majesty the King of Prussia, the Procureur du Roi; in the Empire of Russia, the special Commissioner entrusted with the care of the maintenance of friendly relations on the frontier; in the Kingdom of Poland the chiefs of the frontier districts, having for the maintenance of these relations the same powers and the same rights as the Russian special Commissioner. The respective authorities are bound, even when they may be incompetent to comply with the requisition addressed to them, to accept it and to forward it to the competent officials without delay.

(2.) The actual extradition, however, shall only take place on the part of Prussia at the requisition of the Governor-General, or of the Civil Governor of the Government of the Empire of Russia, or at the requisition of the superior tribunal of the Government of the Kingdom of Poland, in which the criminal or accused person has already been, or is to be, subjected to a judicial investigation. In the cases provided for by the present Article, the requisition shall be addressed to the superior tribunal of the Province of the Prussian Monarchy, in which the criminal or accused person, whether a public functionary or not, shall be presumed to have sought refuge. The authorities of the Empire of Russia shall forward their requisition through the Russian special Commissioner.

(3.) On the part of Russia and of the Kingdom of Poland the extradition shall take place at the requisition of the superior tribunal of the Prussian Province in which the criminal or accused person has already been or is to be submitted to a judicial investigation, which requisition shall be addressed to the Governor-General of the Government of the Empire of Russia, or to the superior tribunal of the Government of the Kingdom of Poland, in which the criminal or accused person shall be presumed to have sought refuge.

(4.) The two Governments shall reciprocally communicate to one another the list of the superior tribunals and public authorities charged in the respective States with the issuing of these requisitions.

(5.) In all the above-mentioned cases, whether the demand for extradition has been made by a superior tribunal of Prussia, or comes from one of the General or Civil Governors of the Empire of Russia, or from a superior tribunal, or a Civil Governor of the Kingdom of Poland, the requisition must be accompanied by the transmission either of the sentence, if it has already been pronounced, or the decree for a criminal prosecution, or the warrant of arrest of the competent tribunal specifying in detail the circumstances of the crime or offence as well as the reasons for suspicion.

In the case of the embezzlement of public money or of effects belonging to the Crown, the requisition of the Civil Governor, must be accompanied, besides, by an authentic specification of the sums or effects embezzled or abstracted. The same formalities shall be observed with the requisitions of a superior tribunal of the Prussian Monarchy.

(6.) The demand for extradition and the documents in support of it must be presented within six months, counting from the day on which the announcement of the arrest of the criminal or accused person has been issued to the functionaries, or to the tribunal which has demanded the arrest. In case of delay the obligation to deliver the criminal or accused person shall cease.

(7.) The extradition itself shall take place when, in consequence of the interrogatory to which the accused person shall be subjected, the identity of his person shall have been recognized, and if the action which is imputed to him is such that, according to the laws of the State to which the requisition is addressed, the culprit would similarly be subjected to a criminal prosecution. If the individual whose extradition is demanded is accused of several crimes or offences, the extradition shall also take place when only one of the actions which are imputed to him would involve a criminal prosecution according to the terms of the legislation of the State of whom the requisition is made.

(8.) To be given up, the criminal shall be transported to the place where the authority of the State making the requisition who is charged with his reception may be. He shall be delivered to him in exchange for the repayment of his expenses.

ARTICLE XVII.

Payment shall be made:—

(*a.*) For the maintenance of the criminal, to count from the day of his arrest, four silver groschen of Prussian currency (twelve silver copecks) a-day;

(*b.*) For expenses of detention, so long as it lasts, five silver groschen of Prussian currency (fifteen silver copecks) daily; and besides

(c.) The disbursements to be liquidated in each particular case for the transport of the criminal to the frontier, and for the provision of the articles of clothing of which he has need.

ARTICLE XVIII.

Neither deserters, nor individuals subject to military service, nor criminals can, on the part of the State which claims them, be pursued in the territory of the other State, either by any act of violence or arbitrary authority, or clandestinely. It is, in consequence, forbidden that any detachment, military or civil, or any secret emissary, should pass the frontier of the two States with this object.

If, on the part of the Power which makes the requisition, the pursuit of one or several deserters, of individuals subject to military service, or of criminals who have escaped, has been ordered by means of a military or civil detachment, or in any other way, that pursuit must only extend to the frontier which separates the two States. There the detachment must stop, and only one man shall pass the frontier. This latter shall abstain from any act of violence or of private authority, and shall address himself to the competent military or civil functionary, to make to him the demand for extradition, and show him the act of requisition of his superiors. This delegate will be received with the regard which the two Governments mutually owe one another, and the subsequent proceedings shall be taken according to the terms of the present Convention.

ARTICLE XIX.

(1.) Every act of authority which a civil or military employé of one of the two States shall exercise on the territory of the other, without having been expressly authorized to do so by the competent military or civil functionaries of this latter State, shall be considered as a violation of territory, and punished accordingly.

(2.) If doubts should arise as to the fact of the violation of territory itself, or as to the particular circumstances which accompanied it, a Mixed Commission shall be appointed, presided over by the Commissioner of the injured party. The perpetual Commissioners appointed beforehand for this purpose shall be for Prussia, the Provincial Counsellor (" Landrath ") of the district on the frontier of which the violation of the territory is supposed to have taken place, for the Empire of Russia the special Commissioner entrusted with the maintenance of good relations, and for the Kingdom of Poland the chief of the nearest frontier district.

(3.) On the side of Prussia, the Superior Procureur of the District of Jurisdiction ("Ober-Staatsanwalt des Ober-Gerichtsbezirkes"), or the Procureur of the Circuit on the frontier of which the violation of territory shall be supposed to have taken place, shall have the right of assisting at the proceedings of the Mixed Commission; and in this case a judicial officer delegated for the purpose, either on the part of the Imperial Government or on the part of the administration of the Kingdom of Poland, will assist at them equally. In any case the members of the Mixed Commission appointed by each of the High Contracting Powers shall be equal in number.

In particular cases the two Governments reserve to themselves the right of entrusting these investigations to employés delegated *ad hoc*.

(4.) The Commissioners shall have the right to associate to themselves in particular cases a judicial officer to hear and swear the witnesses. If soldiers of inferior rank, or belonging to the frontier guard, should be implicated in the affair in question, their interrogation can only take place in the presence of delegates sent *ad hoc* by the competent military authority.

(5.) The Mixed Commission will take care thoroughly to investigate the facts, in order effectually to establish whether a violation of territory has actually taken place, and who is the author of it. If the Commission is agreed on this subject, the records of the proceedings shall be transmitted to the competent tribunal of the State to which the accused belongs, in order that punishment may be awarded and immediately brought to the knowledge of the State whose territory shall have been violated. Every individual arrested in the country itself where he has committed a violation of territory, shall be brought before the nearest civil or military tribunal of that country, according as the culprit is a civilian or a soldier. The said tribunal shall examine the case, hear the witnesses, and carry on the trial up to the point where the sentence is to be pronounced. The reports of the proceedings shall then be transmitted either to the General-in-chief of the troops to which the culprit belongs, or to his competent chief if he is a civil employé, in order that the sentence may be pronounced in conformity with the laws of each country. The trial shall proceed without interruption and as speedily as possible. If the tribunal charged with

delivering the sentence should first ask for further information, such information shall be furnished on the requisition of the said tribunal by the Commissaries charged with the conduct of the trial.

ARTICLE XX.

The authorities and subjects of the High Contracting Parties are forbidden either to harbour a deserter, an individual subject to military service, and already claimed, or a criminal subject to extradition, or to assist such persons in escaping to other more distant countries in order to avoid extradition.

The respective Governments shall proceed according to the laws of the country against persons who may be guilty of such an offence, and the authorities of the two States shall communicate to each other, for their mutual advantage, information as to the manner in which the criminals have been proceeded against and punished.

ARTICLE XXI.

The subjects of the High Contracting Parties shall be strictly forbidden to buy from any person whatever, even although not recognized as a deserter, or claimed as such, effects bearing the undoubted character of State property. They shall be especially forbidden to buy the horse which a deserter shall have brought with him, or to acquire articles which a criminal may have carried with him in his flight, and of which he is illegally the possessor.

Each of the two Governments shall employ all the means which the laws of the country offer it, to restore these objects, as well as the military effects above-mentioned, gratuitously to the other.

ARTICLE XXII.

If the extradition of a deserter, of an individual subject to military service, or of a criminal in the category mentioned above, has not been carried out in a case in which, according to this Convention, it ought to have taken place, and the said individual, by a new flight, returns into the country to which he ought to have been given up, the Sovereign of that country shall not be bound to restore him.

ARTICLE XXIII.

(1.) Each of the two States binds itself to take back those of its own subjects whom the other State wishes to get rid of. This obligation, however, will cease if ten years have elapsed since the individual who is to be sent back has left his native country; and if during that time he has lived abroad, without a regular passport or certificate of nationality issued by the competent authority, or if the passport or certificate of nationality has ceased to be valid for ten years.

(2.) This lapse of ten years shall not be considered as interrupted by an imprisonment or detention of any kind to which the individual restored may have been condemned in the country restoring him. On the contrary, the duration of such a detention shall be reckoned in the number of years at the expiration of which the obligation of his native country to receive back the individual ceases; and this obligation will, *ipso facto*, cease if the term of ten years should expire during his detention.

(3.) If it should happen that an individual condemned to imprisonment or detention of any kind should be restored to his native country before the term of ten years fixed by the above, and without having undergone his full punishment, he may be liable to complete the remainder of it in the country which receives him; and this penalty shall be then commuted according to the requirements of the case, and the course prescribed by the existing laws.

(4.) The individuals whose passports, certificates of nationality, or other papers of legitimization shall be still valid, or have only expired for one year, may, if they are subjects of one of the two States, be transferred to it without previous correspondence with the competent authorities of the State.

(5.) The transfer and reception of the individuals above designated shall be carried out,—

(*a*.) On the part of Prussia, through the demand of the Provincial Councillors of the boundary districts;

(*b*.) On the part of Russia and the Kingdom of Poland, according to the requirements of the case, either through the military authorities designated for the purposes mentioned in Article X of the present Convention, for the regular extradition of deserters and other individuals, or through the Custom-houses or barriers bordering on them.

(6.) Except in the cases provided for in paragraph 4, no individual calling himself a subject of one of the High Contracting Parties can be transferred to the territory of the other, unless by a previous agreement between the competent authorities; who are:

For Prussia, the Provincial Councillors ("Landrathe") of the frontier districts; for Russia and the Kingdom of Poland, the Special Russian Commissioner and the Chief of the district on the Polish frontier, each one as far as he is concerned (Article XIX, Section 2).

(7.) As soon as it has been established by irrefragable proofs that the individual to be sent back is actually a subject of the State to which his admission is intended, he will be admitted immediately, without distinction of religion or origin ("Heimath"), even if it is impossible to determine precisely the place of his birth, or the commune to which he belongs.

(8.) In all the above-mentioned cases all expenses arising out of an extradition of this category shall be borne by the State which has carried it out.

(9.) If the Government of Russia or that of Poland should wish to get rid of an individual whose transport into his own country could not be effected except across Prussian territory, the Prussian Government will never refuse its consent to such transport, provided that, upon the extradition of that individual to the Prussian frontier authorities, there be given to them at the same time—

(1.) A certified declaration of the Government to whom that individual belongs of its consent to receive him.

(2.) The complete sum of the expenses of transport and maintenance of the individual in question for the whole of his journey to his own country.

If these two conditions are not completely fulfilled, the Prussian Government, on account of the Conventions existing on this matter between it and other States, cannot receive an individual who is to be transported into a third State.

In a case, however, where such individuals belonging to a third State shall have been nevertheless admitted into the Prussian States by virtue of a passport delivered by the Russian or Polish authorities, and their native country refuses to receive them, the Prussian authorities can send them back into Russia or Poland for the space of a year, dating from their entrance from one of these countries into Prussia, noting in their passports the reason for sending them back.

But if strangers who have involuntarily quitted Russian or Polish territory, or who have been sent back without being directed to any particular point of the Prussian Monarchy, should nevertheless show themselves in Prussia, because the country of which they call themselves natives refuses to receive them, the fact of their having Russian or Polish passports cannot be a reason for sending them back to Russia or Poland, and in that case the Russian and Polish authorities will not be obliged to re-admit them.

ARTICLE XXIV.

The duration of the present Convention, all the provisions of which are equally applicable to the Kingdom of Poland, is fixed for twelve years.

ARTICLE XXV.

The present Convention will be ratified, and ratifications will be exchanged at Berlin, within the space of six weeks, or sooner if possible.

In faith of which we, the respective Plenipotentiaries, have signed and affixed the seals of our arms to the same.

Done at Berlin, $\frac{\text{August 8}}{\text{July 27}}$, 1857.

VON MANTEUFFEL. (L.S.)

VON BRUNNOW. (L.S.)

The above Convention has been ratified, and the ratifications were exchanged at Berlin on the 4th of September.

PART II.

FURTHER CORRESPONDENCE

RESPECTING THE

INSURRECTION IN POLAND:

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.		Pa
1.	Prince Gortchakoff to Baron Brunnow	April 14, 1863
2.	Earl Russell to Lord Napier	May 2, ——

Further Correspondence respecting the Insurrection in Poland: 1863.

No. 1.

Prince Gortchakoff to Baron Brunnow.—(*Communicated to Earl Russell by Baron Brunnow, May 2.*)

M. le Baron, *St. Pétersbourg, le* $\frac{14}{26}$ *Avril*, 1863.

DANS la matinée du $\frac{5}{17}$ Avril, Lord Napier m'a remis la copie ci-jointe d'une dépêche de M. le Principal Secrétaire d'Etat de Sa Majesté Britannique,* relative à la situation actuelle du Royaume de Pologne.

La première partie de cette pièce est consacrée à un examen rétrospectif de la question de droit. La seconde exprime le vœu que la paix puisse être rendue au Royaume de Pologne, et établie sur des bases durables.

Je répondrai à ces deux points de la dépêche de Lord Russell.

Quant à la question de droit, M. le Principal Secrétaire d'Etat de Sa Majesté Britannique reproduit les arguments déjà consignés dans sa dépêche du 2 Mars. Je puis donc me référer aux observations que j'avais faites alors à M. l'Ambassadeur d'Angleterre.

Le Gouvernement de Sa Majesté Britannique se place sur un terrain où le Cabinet Impérial n'hésitera jamais à le rencontrer—celui des Traités.

Toutefois il s'agit moins ici du texte que de l'interprétation. Nous avons le droit de ne point admettre sans réserve toutes celles qu'on pourrait vouloir y donner.

Lord Russell dit dans sa dépêche que d'après l'Article 1 de l'Acte Général signé à Vienne le $\frac{\text{28 Mai}}{9 \text{ Juin}}$ 1815, "le Duché de Varsovie est érigé en Royaume de Pologne pour être indissolublement lié à l'Empire de Russie sous certaines conditions."

Or, voici ce que l'Acte du Congrès de Vienne stipule à l'égard de ces conditions:—

"Les Polonais sujets respectifs de la Russie, de l'Autriche, et de la Prusse, obtiendront une représentation et des institutions nationales réglées d'après le mode d'existence politique que chacun des Gouvernements auxquels ils appartiennent jugera utile et convenable de leur accorder."

L'Empereur Alexandre I développa ces principes dans le sens de ses vues personnelles. Il octroya à la Pologne la Constitution du $\frac{12}{24}$ Décembre, 1815. Ce fut un acte spontané de son initiative souveraine. Il constituait d'autant moins un engagement irrévocable vis-à-vis des Puissances étrangères, que l'Acte même de la Constitution postérieure au Traité de Vienne ne leur a jamais été communiqué.

Lord Russell conteste le principe d'après lequel la révolte de Pologne en 1830 ayant abouti à prononcer la déchéance de la Dynastie Souveraine, aurait annulé les bases de l'existence politique accordées en vertu de l'Acte de Vienne.

Bien que l'histoire ait plus d'une fois confirmé cette conclusion du droit naturel, la théorie peut offrir matière à controverse. Nous croyons qu'on pourrait constater que si la révolte n'invalide pas les engagements internationaux elle annule du moins les développements spontanés qu'une pensée généreuse y avait ajoutés, et qui ont eu une issue funeste à la Pologne et à la Russie.

Mais le Principal Secrétaire d'Etat de Sa Majesté Britannique place cet argument en première ligne dans sa dépêche. Or, je ne l'ai avancé qu'incidentellement dans le cours de mon entretien avec Lord Napier.

M. l'Ambassadeur d'Angleterre en rend compte en ces termes dans la dépêche qu'il a eu l'obligeance de me communiquer:—

"Le Prince Gortchakoff me dit également que désirant traiter cette question dans un

* See "Correspondence respecting the Insurrection in Poland, 1863," presented to Parliament April 28, 1863, page 121.

esprit de conciliation et d'humanité, il s'était abstenu d'employer un argument qu'il avait à sa disposition, celui du droit de conquête."

Du reste, tout a été dit de part et d'autre dans cette discussion ; la prolonger sur ce terrain serait une œuvre stérile.

J'aborde la seconde partie de la dépêche de Lord Russell.

L'intention de notre auguste Maître est d'arriver à une solution pratique. Nous supposons que tel est aussi le désir du Gouvernement de Sa Majesté Britannique. Puisque son but est de voir assuré au Royaume de Pologne le repos et le bien-être qui sont l'objet de la sollicitude de Sa Majesté l'Empereur, il nous semble difficile de ne pas arriver à une entente.

La différence des appréciations réside dans le fait que le Gouvernement Anglais paraît croire que la Constitution de 1815 est la seule panacée propre à calmer l'agitation actuelle de la Pologne.

Mais le Gouvernement et la nation Britannique, dont le sens pratique a fondé la grandeur de l'Angleterre, ne sauraient prétendre qu'il n'y a qu'une seule forme possible de gouvernement pour tous les peuples, quels que soient leur histoire et leur développement. Avant d'arriver à la maturité politique dont l'Angleterre offre l'exemple, il y a bien des degrés à franchir, et chaque nation doit procéder dans cette voie selon ses propres instincts. Il est juste et naturel qu'un Souverain, animé des intentions les plus bienveillantes, calcule la portée et l'extension des institutions destinées à placer ses sujets dans les conditions d'existence les plus favorables.

La pensée de notre auguste Maître s'est révélée dès son avènement au Trône, et ne peut être ignorée par personne en Europe.

Sa Majesté est entrée résolument dans la voie des réformes. S'appuyant sur la confiance et le dévouement de son peuple, elle a entrepris et accompli en peu d'années une transformation sociale que d'autres Etats n'ont pu réaliser qu'après beaucoup de temps et d'efforts. Sa sollicitude ne s'est pas arrêtée là : le système d'un développement graduel a été appliqué à toutes les branches du service publique, et aux institutions existantes. Il ouvre à la Russie la voie d'un progrès régulier. L'Empereur y persévère sans précipitation ni entraînement, en tenant compte des éléments qu'il appartient au temps de préparer et de mûrir, mais sans jamais dévier de la route qu'il s'est tracée.

Cette marche lui a concilié la reconnaissance et l'affection de ses sujets. Nous croyons qu'elle lui donne des titres aux sympathies de l'Europe.

Les mêmes intentions n'ont pas cessé d'animer Sa Majesté dès que sa sollicitude a pu se porter sur le Royaume de Pologne.

Nous n'entrerons pas ici dans l'énumération des institutions nationales, la plupart électives, dont ce pays a été doté.

Elle ne semblent pas avoir été suffisamment comprises en Europe, soit à cause de la distance, soit plutôt parceque entre un jugement équitable et impartial sont venus se placer des passions chimériques et le travail intéressé d'un parti hostile.

Le système inauguré par notre auguste Maître contient un germe que le temps et l'expérience doivent développer. Il est destiné à aboutir à une autonomie administrative sur la base des institutions provinciales et municipales qui en Angleterre ont été le point de départ et le fondement de la grandeur et de la prospérité du pays.

Mais dans l'exécution de cette pensée l'Empereur a rencontré des obstacles qui résident principalement dans les excitations du parti du désordre.

Ce parti a compris que s'il laissait la majorité paisible du Royaume entrer dans cette voie de progrès régulier, c'en serait fait de ses aspirations. Ses menées n'ont pas permis de mettre à exécution les nouvelles institutions. Il a été impossible de constater comment elles fonctionnent, en combien elles répondent aux besoins réels et au degré de maturité du pays.

Ce n'est que quand cette expérience aura été faite qu'on pourra porter un jugement sur cette œuvre et la compléter.

Le Manifeste du 31 Mars indique à cet égard les vœux de notre auguste Maître.

A côté d'un acte de clémence qui a pu recevoir une large extension depuis la dispersion des bandes armées les plus importantes, l'Empereur a maintenu les institutions déjà octroyées et a déclaré qu'il se réservait d'y donner les développements indiqués par le temps et les besoins du pays.

Sa Majesté peut donc s'en référer au passé dans la droiture de sa conscience ; quant à l'avenir il dépend nécessairement de la confiance que ces intentions rencontreront dans le Royaume.

En se maintenant sur ce terrain notre auguste Maître croit agir comme le meilleur ami de la Pologne, comme le seul qui poursuive le but de son bien-être dans les voies pratiques.

Lord Russell convie la Russie en sa qualité de membre de la Société Européenne à remplir ses devoirs de convenance envers les autres Etats.

La Russie est trop directement intéressé au repos de la Pologne pour ne pas apprécier ce que lui recommande sa position internationale.

Il serait difficile d'affirmer qu'elle ait rencontré sur ce rapport une scrupuleuse réciprocité. La conspiration permanente qui s'organise, qui s'arme au dehors pour entretenir le désordre dans le Royaume, est un fait de notoriété publique, dont l'inconvénient réside principalement dans l'effet moral que les fauteurs de l'insurrection en déduisent afin d'entraîner la population paisible, en accréditant la conviction d'un concours direct de l'étranger. C'est ainsi qu'on a vu se produire une double influence également fâcheuse : celle exercé par les excitations extérieures sur l'insurrection, et celle que la persistance de cette même insurrection exerce à son tour sur l'opinion publique en Europe.

Ces deux influences réagissent l'une sur l'autre, et ont fini par conduire les choses à la situation que les Puissances signalent aujourd'hui à la vigilance du Cabinet Impérial.

On lui demande de faire rentrer le Royaume dans des conditions d'une paix durable.

Ce vœu est inspiré aux Puissances par la conviction que les troubles périodiques de la Pologne causent aux Etats placés dans le voisinage immédiat de ces frontières un ébranlement dont le contrecoup se fait sentir à l'Europe entière, qu'ils excitent les esprits d'une manière inquiétante, et pourraient, en se prolongeant, amener sous certaines circonstances des complications de la nature la plus sérieuse.

Le Gouvernement de Sa Majesté Britannique s'appuie, en outre, pour émettre ce desir, sur les engagements de 1815, qui ont réglés le sort des diverses parties de la Pologne. Nous n'hésitons pas à déclarer que ces vœux sont entièrement d'accord avec ceux de notre auguste Maître.

Sa Majesté admet que dans la position particulière du Royaume les troubles qui l'agitent peuvent affecter la tranquillité des Etats limitrophes entre lesquels ont été conclu, le $\frac{21 \text{ Avril}}{3 \text{ Mai}}$, 1815, les Traités séparés destinés à régler le sort du Duché de Varsovie, et qu'ils peuvent intéresser les Puissances signataires de la transaction générale du $\frac{28 \text{ Mai}}{9 \text{ Juin}}$, 1815, où ont été insérées les principales stipulations de ces Traités séparés.

L'Empereur croit que des explications sur ces bases, et dans l'esprit des communications qui viennent de nous être adressées, peuvent conduire à un résultat conforme aux intérêts généraux.

Notre auguste Maître prend acte avec satisfaction des sentiments de confiance que le Gouvernement de Sa Majesté Britannique lui témoigne, en s'en remettant à lui du soin de replacer le Royaume de Pologne dans des conditions qui rendraient possible la réalisation de ses vues bienveillantes.

Mais plus l'Empereur est disposé à tenir compte des justes préoccupations des Etats limitrophes, et de l'intérêt que les Puissances signataires du Traité de 1815 vouent à un état de choses qui est pour Sa Majesté elle-même l'objet d'une vive sollicitude, plus notre auguste Maître considère comme un devoir d'appeler, sur les véritables causes de cette situation et sur les moyens d'y porter rémède, la sérieuse attention des Cours qui se sont adressée à lui avec confiance.

Si le Gouvernement de Sa Majesté Britannique relève le contrecoup que les troubles de la Pologne exerce sur le repos de l'Europe, nous devons être encore plus frappées de l'influence que les excitations de l'Europe ont été de tout temps en possession d'exercer sur la tranquillité de la Pologne.

Depuis 1815 ce pays a vu se développer un bien-être matériel inconnu jusqu'alors dans ses annales, tandis que d'autres Etats ont subi dans le même intervalle bien des crises intérieures.

Ce repos n'a été troublé en 1830 qu'á la suite de commotions venues du dehors ; dix-huit ans plus tard, en 1848, alors que l'Europe presque toute entière était bouleversée par la révolution, le Royaume de Pologne a su conserver la tranquillité.

Nous sommes persuadés qu'il en serait de même aujourd'hui, sans les instigations permanentes du parti de la Révolution Cosmopolite. Si ce parti, voué partout au renversement de l'ordre, concentre aujourd'hui toute son activité sur la Pologne, on commettrait une grave erreur en supposant que ses aspirations s'arrêtent à cette limite. Ce qu'il y cherche c'est un levier pour bouleverser le reste de l'Europe.

Les Cabinets qui attachent du prix à voir le Royaume de Pologne rentrer un moment plus tôt dans les conditions d'une paix durable, ne sauraient donc mieux assurer la réalisation de ce vœu qu'en travaillant de leur côté à apaiser le désordre moral et matériel qu'on s'efforce de propager en Europe, et à tarir ainsi la principale source des agitations dont s'alarme leur prévoyance.

Nous avons le ferme espoir qu'en resserrant, dans cet esprit, les liens qui les unissent ils serviront efficacement la cause de la paix et les intérêts généraux.

Veuillez remettre copie de la présente dépêche à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Recevez, &c.
(Signé) GORTCHAKOFF.

(Translation.)

M. le Baron, *St. Petersburgh, April* 14, 1863.

ON the morning of the $\frac{5}{17}$th of April, Lord Napier delivered to me a copy, herewith inclosed, of a despatch from Her Britannic Majesty's Principal Secretary of State relative to the present situation of the Kingdom of Poland.

The first part of this document is devoted to a retrospective examination of the question of right. The second expresses the wish that peace may be restored to the Kingdom of Poland, and established on a lasting basis. I will reply to these two points of Lord Russell's despatch.

As regards the question of right, Her Britannic Majesty's Principal Secretary of State reproduces the arguments already recorded in his despatch of the 2nd of March. I can therefore refer to the observations which I then made to the Ambassador of England.

The Government of Her Britannic Majesty takes a position on ground where the Imperial Cabinet will never hesitate to meet it—that of Treaties.

Nevertheless, it is here a question less of the text than of the interpretation of Treaties. We have the right not to admit without reservation every interpretation which it might be wished to give them.

Lord Russell says in his despatch that, by Article I of the General Act signed at Vienna, the $\frac{28\text{th May}}{9\text{th June}}$, 1815, "the Duchy of Warsaw was erected into a Kingdom of Poland, to be inseparably attached to the Empire of Russia under certain conditions."

Now, this is what the Act of Congress of Vienna stipulates in respect to those conditions:—

"Poles, subjects of Russia, Austria, and Prussia respectively, shall enjoy representation and shall obtain national institutions to be determined in conformity with the political existence which each of the Governments to which they belong shall consider it useful and expedient to grant to them."

The Emperor Alexander I developed these principles in accordance with his personal views. He granted to Poland the Constitution of the $\frac{12}{24}$th December, 1815. It was a spontaneous act of his sovereign will; and it did not constitute an irrevocable engagement towards foreign Powers, inasmuch as the Act of the Constitution, posterior to the Treaty of Vienna, was not even communicated to them.

Lord Russell contests the principle according to which the revolt of Poland in 1830, having resulted in the declaration of the forfeiture of the Sovereign Dynasty, should be held to annul the bases of political existence granted in virtue of the Act of Vienna.

Although history has more than once confirmed this conclusion of natural right, theory may afford matter for controversy. We think it may be laid down that if the revolt does not invalidate the national engagements, it at any rate annuls the spontaneous development of them which had been generously added, and which have led to fatal results to Poland and to Russia.

But the Principal Secretary of State of Her Britannic Majesty gives to this argument a prominent place in his despatch, while I had only incidentally put it forward in the course of my conversation with Lord Napier.

The English Ambassador alludes to it in the following terms in the despatch which he had the goodness to communicate to me:—

"Prince Gortchakoff also said to me that, desiring to treat this question in a spirit of conciliation and humanity, he had abstained from employing an argument which lay at his disposal—that of the right of conquest."

Moreover, everything has been said on both sides in this discussion, and to prolong it on that ground would be a useless task.

I proceed to the second part of Lord Russell's despatch.

The design of our august master is to arrive at a practical solution. We assume that such is also the desire of the Government of Her Britannic Majesty. Since its aim is to see assured to the Kingdom of Poland the repose and welfare which are the objects of the solicitude of His Majesty the Emperor, it appears to us difficult not to arrive at an understanding.

The difference in our points of view lies in the fact that the English Government appears to believe that the Constitution of 1815 is the sole panacea calculated to calm the present agitation of Poland.

But the English Government and nation, whose practical good sense has founded the greatness of England, can hardly assert that there is only one form of government possible for all peoples, whatever may be their history and development. Before arriving at the political maturity of which England offers the example, there are many degrees to pass through, and each nation must proceed in this path according to its own instincts. It is just and natural that a Sovereign, animated by the most benevolent intentions, should calculate the bearing and extension of institutions destined to place his subjects in the most favourable conditions of existence.

The idea of our august Master has been shown ever since his accession to the throne, and cannot be ignored by any one in Europe.

His Majesty has resolutely entered upon the path of reform. Relying upon the trust and devotion of his people, he has undertaken and accomplished in a few years a social transformation which other States have only been able to realize after a long lapse of time and many efforts. His solicitude has not ceased there. A system of gradual development has been applied to all the branches of the public service, and to existing institutions. It opens to Russia the prospect of a regular progress. The Emperor perseveres in it without precipitation or impulse (" entraînement"), taking into account the elements which it is the work of time to prepare and mature, but without ever deviating from the line he has traced for himself.

This measure has conciliated to him the gratitude and affection of his subjects. We think it gives him a title to the sympathies of Europe.

The same designs have not ceased to influence His Majesty since his solicitude has been brought to bear upon the Kingdom of Poland.

We shall not here enter into an enumeration of the national institutions, for the most part elective, with which this country has been endowed.

They do not appear to have been sufficiently understood in Europe, either on account of remoteness, or, rather, because chimerical passions and the interested labours of a hostile party have stood in the way of an equitable and impartial judgment.

The system inaugurated by our august master contains a germ which time and experience must develop. It is destined to lead to an administrative autonomy on the basis of the provincial and municipal institutions, which in England have been the starting-point and the foundation of the greatness and prosperity of the country. But in the execution of this idea the Emperor has encountered obstacles which are found principally in the agitations of the party of disorder.

This party has understood that if it allowed the peaceable majority of the kingdom to enter upon this path of regular progress, there would be an end to their aspirations. Their intrigues have not allowed the new institutions to be carried into effect. It has been impossible to show how they work, or how far they respond to the real necessities, and to the degree of maturity, of the country.

It is only when this experiment shall have been made that it will be possible to pass a judgment upon this work, and to complete it.

The Manifesto of the 31st of March indicates the wishes of our august Master in this matter.

By the side of an act of clemency, to which it has been possible to give a large extension since the dispersion of the most important armed bands, the Emperor has maintained in force the institutions already granted, and has declared that he reserved to himself the power of giving to them the developments indicated by time and the requirements of the country.

His Majesty can, then, refer to the past in the rectitude of his conscience ; as to the future, it necessarily depends on the confidence with which these institutions will be met in the kingdom.

In taking a stand upon this ground, our august Master considers that he acts as the best friend of Poland, as the only one whose aim it is to secure her welfare by practical means.

Lord Russell calls upon Russia to discharge those duties which, as a member of European society, she owes to foreign States.

Russia is too directly interested in the tranquillity of Poland not to understand the duties of her position towards other nations.

It would be difficult to assert that she has met, in this respect, with scrupulous reciprocity. The continual conspiracy which is being organized and armed abroad to keep up disorder in the kingdom is a fact of public notoriety, the inconvenience of which principally consists in the moral effects which the favourers of the insurrection deduce from it, in order to lead astray the peaceable population, by gaining credit for the belief in direct assistance from abroad.

In this manner we have seen produced two influences, both equally grievous—that exercised by foreign agitation on the insurrection, and that which the continuation of the insurrection itself exercises, in its turn, upon public opinion in Europe.

These two influences react one upon the other, and have ended by bringing affairs to the situation which the Powers at present point out to the vigilance of the Imperial Cabinet.

It is asked of it to restore the kingdom to the conditions of a lasting peace.

The Powers are inspired with this desire by the conviction that the periodical troubles of Poland cause to the States placed in the immediate vicinity of its frontiers a shock, the reaction of which is felt by the whole of Europe, that they excite the minds of the people in a disquieting manner, and that they might, if prolonged, bring about, under certain circumstances, complications of the most serious nature.

The Government of Her Britannic Majesty, in expressing this desire, further relies upon the engagements of 1815 which affect the condition of the different parts of Poland. We do not hesitate to declare that these wishes are entirely in accordance with those of our august Master.

His Majesty admits that, in the peculiar position of the kingdom, the troubles which agitate it may affect the tranquillity of the adjoining States, between which were concluded, on the $\frac{21\text{st April}}{3\text{rd May}}$, 1815, separate Treaties intended to determine the condition of the Duchy of Warsaw, and that they may interest the Powers who signed the General Transaction of the $\frac{18\text{th May}}{9\text{th June}}$, 1815, in which were inserted the principal stipulations of these separate Treaties.

The Emperor believes that explanations on the basis and in the spirit of the communications which have just been addressed to us may conduce to a result conformable to the general interests.

Our august Master notices with satisfaction the sentiments of confidence which the Government of Her Britannic Majesty testify towards him in relying upon him to bring back the Kingdom of Poland to conditions which would render possible the realization of his benevolent views.

But the more the Emperor is disposed to take into account the just prepossessions of the neighbouring States, and the interest which the Powers who signed the Treaty of 1815 show in a state of things which is the cause of deep solicitude to His Majesty himself, the more our august Master considers it a duty to request the serious attention, upon the true causes of this situation and upon the means of remedying it, of the Courts who have addressed themselves with confidence to him.

If the Government of Her Britannic Majesty lays stress upon ("relève") the reaction which the troubles of Poland exercise on the peace of Europe, we must be still more struck with the influence which the agitations of Europe have in all times had the power to exercise upon the tranquillity of Poland.

Since 1815 this country has witnessed the development of a material welfare unknown until then in her annals, while other States have in the same interval undergone many interior crises.

This repose was only troubled in 1830 by the consequences of commotions coming from abroad; eighteen years later, in 1848, while almost the whole of Europe was convulsed by the Revolution, the Kingdom of Poland was able to preserve its tranquillity.

We are persuaded that it would be the same at present were it not for the continual instigations of the party of Cosmopolitan Revolution. If this party, everywhere devoted to the overthrow of order, at present concentrates all its activity upon Poland, a grave error would be committed in supposing that its aspirations will stop short at that limit. What it seeks there, is a lever to overturn the rest of Europe.

Those Cabinets which attach importance to seeing the Kingdom of Poland return a moment earlier to the conditions of a durable peace, cannot therefore more certainly ensure the realization of this desire than by labouring, on their side, to appease the moral and material disorder which it is sought to propagate in Europe, and thus to exhaust the main source of the agitations at which their foresight is alarmed.

We entertain the firm hope that in strengthening in this respect the ties which bind them together, they will effectually serve the cause of peace and of the general interests.

I have the honour to request that you will communicate a copy of this despatch to the Principal Secretary of State of Her Britannic Majesty.

Receive, &c.

(Signed) GORTCHAKOFF.

No. 2.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, May* 2, 1863.

BARON BRUNNOW came to me this morning, and before giving me a copy of the despatch of his Government in answer to mine to your Excellency of the 10th April, said to me in substance what follows:—"You have declared to me that the step which Lord Napier was instructed to take was taken with a pacific intention. The Imperial Cabinet has received your despatch in a similar spirit of peace and of conciliation.

"You have told me that the representation you have made is founded upon the basis of the stipulations of the Treaty of Vienna of 1815.

"The Imperial Cabinet, on its part, accepts this basis.

"The Imperial Cabinet is ready to enter upon an exchange of ideas upon the ground and within the limits of the Treaties of 1815."

I inclose a copy of the communication of Prince Gortchakoff.*

I shall, in another and a later despatch, furnish you with the views of Her Majesty's Government upon the contents of that communication.

I am, &c.

(Signed) RUSSELL.

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* No. 1

POLAND.

Part II.

Further Correspondence respecting the Insurrection in Poland: 1863.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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CORRESPONDENCE

RELATING TO

THE NEGOTIATIONS

OF

THE YEARS 1814 AND 1815

RESPECTING

POLAND.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated May 15, 1863.

LONDON:
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RETURN to an Address of the Honourable the House of Commons, dated May 15, 1863;
for—

"Copy of or Extracts from Despatches received by the British Government in 1814 and 1815, and referred to in Viscount Palmerston's Despatch to Lord Heytesbury, dated the 22nd of March, 1831, which has been presented to Parliamen among the Papers on the Affairs of Poland."

No. 1.

Viscount Castlereagh to the Earl of Liverpool.—(*Received October* 21.)

My Lord, *Vienna, October* 9, 1814.

I HAVE the honour to transmit to your Lordship a Memorandum on the affairs of Poland, copies of which I deemed it necessary to present to the Austrian and Prussian Ministers.

I acquainted your Lordship, by my last courier, that I feared no effectual resistance could be made to the views of Russia in that quarter, and that the two neighbouring Powers were more likely to seek their own aggrandizement in other directions than oppose themselves to the pretensions of their more powerful neighbour.

I was not the less confirmed in this impression from perceiving that the extravagant tone of war which Austria had held was accompanied by an equal jealousy of Prussia on the side of Saxony, and of France in Italy, which at once proved that compromise, and not resistance, was really intended; and, further, from knowing that Prussia, feeling she had no other support than Russia to secure to her Saxony against the views both of Austria and France, could not afford to risk that support by too decisive an opposition to the Emperor's designs with respect to Poland.

Under these circumstances I conceived that the only chance of doing good was to take up some ground of opposition short of war, and to endeavour to bring Austria and Prussia to a compromise in Germany, in order that they might unite against Russia upon the Polish question.

The existing Congress appeared to me to furnish a suitable expedient, as it enabled these Powers to represent to Russia, without menacing her with war, that they could not make themselves, in the face of Europe, the instruments of their own humiliation, by recommending that as just, wise, and proper, against which they had been so long engaged in remonstrances; that it was one thing silently to submit, and another to originate a measure of national danger.

With this view I desired an audience of the King of Prussia. I found His Majesty, as in England, the advocate of the Emperor of Russia, although personally averse to his measures. I represented that the evil might yet, with proper management, be arrested without a contest. I pressed His Majesty not to abandon the interests of his Monarchy in despair, and begged that he would oppose every obstacle, short of arms, to an arrangement which left his provinces uncovered, and his State in obvious dependence upon another Power.

I then opened myself unreservedly to Prince Metternich and Prince Hardenberg, and endeavoured to make them feel the dangers to which their disunion exposed both their Monarchies. The latter explained himself very frankly, that whilst Saxony was in doubt, and with it the possibility of Prussia being suitably reconstructed, it was impossible for him, more especially feeling as his King did, to risk the favour of Russia; but that if Saxony was assured to him by Austria and England, he could then unite with Austria to oppose such resistance as prudence might justify to Russian encroachments.

I found Prince Metternich without any fixed plan. In descending from his war language he appeared to me to fall into the other extreme, and to think, in fact, only of compromise. I represented the necessity of an understanding with Prussia as the only chance of present good, or possibly of future safety.

Prince Metternich the following day had an interview with Prince Hardenberg, and professed his willingness to enter into his views with respect to Saxony, provided an understanding could thereby be established with respect to Poland, and certain German

points of minor importance. The parties profess a mutual desire to understand each other, but there is a certain degree of mutual distrust and fear of Russia which does not justify me in speaking confidently of the result.

I endeavoured to derive some aid in this attempt from the *appui* of France; but, unfortunately, the manner in which Prince Talleyrand has conducted himself here rather excited apprehension in both the Austrian and Prussian Ministers than inspired them with any confidence in his views. Although adverse to the designs of Russia in Poland, he betrayed not less hostility to theirs in Germany and Italy; and both, perhaps not unnaturally, seem equally to dread the appearance of a French force at present in the field.

The question must thus take its course amidst all the difficulties that surround it. I shall do my best to give it a safe and creditable direction. If I fail I shall endeavour to separate the British Government, as far as possible, from any share in its determination.

I have, &c.

(Signed) CASTLEREAGH.

Inclosure in No. 1.

British Memorandum.

Vienna, October 4, 1814.

WHEN by the defeats of the French army and their expulsion from Russia, an opening had been made for Prussia to join the general cause of Europe, the Emperor of Russia and the King of Prussia united themselves for that cause by the Treaty of Kalisch, on the 28th of February, 1813.

As this Treaty was of the greatest importance, the character of it was peculiarly marked, by its laying down with uncommon force and detail, in its Preamble, the principles on which it was founded, and which were to be the rule for the future conduct of the two Powers.

It runs as follows :—

" La destruction totale des forces ennemies qui avaient pénétré dans le cœur de la Russie, a préparé la grande époque de l'indépendance de tous les Etats qui voudraient la saisir pour s'affranchir du joug que la France a fait peser sur eux depuis tant d'années.

" En conduisant les troupes victorieuses hors de ses frontières, le premier sentiment de Sa Majesté l'Empereur de toutes les Russies fut celui de rallier à la belle cause que la Providence a si visiblement protégée, ses anciens et plus chers alliés, afin d'accomplir avec eux les destinées auxquelles tiennent et le repos et le bonheur des peuples épuisés par tant de commotions et tant de sacrifices.

" Le tems arrivera où les Traités ne seront *plus des trèves*, où ils pourront de nouveau être observés *avec cette foi religieuse*, cette inviolabilité sacré, auquelles tiennent la considération, la force, et la conservation des empires.

" C'est dans ces circonstances solemnelles et décisives qu'un mouvement spontané a rapproché Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Roi de Prusse.

" Tous deux également guidés par le généreux motif de la délivrance de l'Europe, ont commencé pour procéder à cette œuvre salutaire par resserrer les liens de leur ancienne alliance, par rétablir dans le sens le plus étendu leur première intimité, et voulant fixer la base de leurs engagements réciproques par un Traité de Paix et d'Amitié, d'Alliance Offensive et Défensive, ils ont nommé," &c. &c.*

Such is the Preamble to the Treaty of Alliance, Offensive and Defensive, against France, entered into by these Powers, to which are annexed two Separate Articles.

* " The total destruction of the enemy's forces which had penetrated into the heart of Russia, has prepared the grand epoch of the independence of all the States who might desire to seize it in order to enfranchise themselves from the yoke which France has imposed upon them for so many years.

" On leading his victorious troops beyond his frontiers, the first inclination of His Majesty the Emperor of all the Russias was to rally round the fair cause which Providence has so visibly protected, his ancient and most dear allies, in order to accomplish with them the destiny on which depend both the repose and the happiness of the nations exhausted by so many commotions and so many sacrifices.

" The time will arrive when Treaties will *no longer be truces*, when they can again be observed *with that scrupulous faith*, that sacred inviolability on which depend the consideration, the force, and the preservation of Empires.

" It is in these solemn and decisive circumstances that a spontaneous movement has brought together His Majesty the Emperor of all the Russias and His Majesty the King of Prussia.

" Both equally guided by the generous motive of the deliverance of Europe, have commenced setting about the salutary work, by drawing closer the bonds of their ancient alliance, by re-establishing in the most extended sense their first intimacy, and being desirous of fixing the basis of their reciprocal engagements by a Treaty of Peace and Friendship, offensive and defensive alliance, they have named," &c.

The first engages that Prussia "sera reconstruite dans les proportions statistiques, géographiques, et financières, conformes à ce qu'elle était avant la guerre de 1806. Pour cet effet Sa Majesté l'Empereur de toutes les Russies promet de la manière la plus solemnelle, d'appliquer aux équivalents que les circonstances pourraient exiger pour l'intérêt même des deux Etats, et à l'agrandissement de la Prusse, toutes les acquisitions qui pourraient être faites par les armées et les négociations dans la partie septentrionale de l'Allemagne, à l'exception des anciennes possessions de la Maison d'Hanovre. Dans tous les arrangements il sera conservé entre les différentes provinces qui doivent rentrer sous la domination Prussienne, *l'ensemble et l'arrondissement nécessaire pour constituer un corps d'Etat indépendant.*

"Article II. Pour donner à l'Article précédent une précision conforme à la parfaite intelligence qui existe entre les deux Hautes Parties Contractantes, Sa Majesté l'Empereur de toutes les Russies garantit à Sa Majesté le Roi de Prusse, avec ses possessions actuelles, plus particulièrement la Vieille Prusse, à laquelle il sera joint un territoire, qui, sous tous les rapports, *tant militaires* que géographiques, lie cette province à la Silésie."*

On the 27th June following, in order to confirm the disposition of Austria to join the common cause, and to assure to her adequate indemnities for her co-operation in case of her mediation with France failing, the Emperor of Russia and the King of Prussia entered into a solemn Treaty with the Emperor of Austria.

The conditions of this Treaty were as follows:—

The 1st. "La dissolution du Duché de Varsovie, et *de partager* les provinces qui le forment *entre l'Autriche*, la Prusse, et la Russie, d'après les arrangements à prendre par ces trois Puissances, sans aucune intervention du Gouvernement Français."

The 2nd. "L'agrandissement de la Prusse, en suite de ce partage, et par la cession de la ville et du territoire de Dantzig. L'évacuation de toutes les forteresses dans les Etats Prussiens et dans le Duché de Varsovie qui aujourd'hui se trouvent encore occupées par les troupes Françaises."

The 3rd. "La restitution des provinces Illyriennes à l'Autriche."†

In furtherance of this Treaty, the Courts of Austria and Prussia entered into a separate Treaty of Alliance for the protection of their mutual interests on the 9th September, 1813; by the third stipulation of the First Secret Article whereof they bind themselves to procure "un arrangement à l'amiable entre les trois Cours d'Autriche, de Prusse, et de Russie sur le sort futur du Duché de Varsovie."‡

Such being the engagements with respect to the Duchy of Warsaw under solemn Treaties, it is nevertheless understood that His Imperial Majesty the Emperor of Russia considers himself entitled to dispose of the whole Duchy of Warsaw, with all its fortresses, on the ground that his troops first occupied the Duchy. That, however, as matter of grace and favour, he means to assign to Prussia the city and territory of Dantzic, and a district necessary for connecting Ancient Prussia with the other Prussian territories; and it is further understood that it is the intention of His Imperial Majesty to connect the residue of the Duchy of Warsaw with the Russian provinces which were allotted to Russia by the former divisions of Poland, and to erect them into a separate Monarchy, to be governed by His Imperial Majesty as King of Poland, under such arrangements as may be judged suitable for reviving the Kingdom of Poland under the Russian Dynasty. And this measure is alleged to be necessary, on the principles of moral duty, in order to produce a due improvement in the government of His Imperial Majesty's Polish subjects, and of the

* "Shall be reconstructed in the statistical, geographical, and financial proportions, in conformity with what she was before the war of 1806. For this purpose His Majesty the Emperor of all the Russias promises in the most solemn manner to devote to the equivalents which circumstances might require for the interest even of the two States, and to the aggrandizement of Prussia, all the acquisitions which might be made by the armies and by negotiations in the north of Germany, with the exception of the ancient possessions of the House of Hanover. In all the arrangements there shall be maintained among the different provinces which are to return under the Prussian rule, *the unity and the compactness requisite for constituting an independent State.*

"Article II. In order to give to the foregoing Article a degree of precision consistent with the perfect understanding which exists between the two High Contracting Parties, His Majesty the Emperor of all the Russias guarantees to His Majesty the King of Prussia, together with his actual possessions, more especially old Prussia, to which a territory shall be united which in all respects, as well *military* as geographical, may join that province to Silesia."

† The 1st. "The dissolution of the Duchy of Warsaw, and the *partition* of the provinces which compose it, *between Austria*, Prussia, and Russia, according to arrangements to be made by these three Powers, without any intervention of the French Government."

The 2nd. "The aggrandizement of Prussia, in consequence of this partition, and by the cession of the city and territory of Dantzic. The evacuation of all the fortresses in the Prussian States and in the Duchy of Warsaw which are still occupied at the present time by the French troops."

The 3rd. "The restitution of the Illyrian Provinces to Austria."

‡ "An amicable arrangement between the three Courts of Austria, of Prussia, and of Russia, as to the future destiny of the Duchy of Warsaw."

people of the Duchy of Warsaw who are at present subject to him, by His Imperial Majesty's military occupation of the Duchy.

The contemplation of this measure has necessarily created great alarm and consternation in the Courts of Austria and Prussia, and diffused general apprehension throughout the European States.

The forced annexation of nearly the entire of so important and populous a territory as the Duchy of Warsaw, containing about 4,000,000 of people, upon a principle of conquest, to the Empire of Russia, so largely increased of late by her conquest of Finland, by her acquisitions in Moldavia, and by her recent extension on the side of Persia, her advance from the Niemen into the very heart of Germany, her possession of all the fortresses of the Duchy, and thereby totally exposing to her attack the capitals of Austria and Prussia, without any line of defence or frontier; the invitation to the Poles to rally round the Emperor of Russia's standard for the renovation of their kingdom; the giving new hopes and animation, and the opening new scenes for the activity and cabals of that light and restless people; the prospect of renewing those tumultuary contests in which the Poles so long embroiled both themselves and their neighbours; the dread that this measure inspires of laying fresh materials for a new and early war; the extinction it produces of any reasonable hope of present tranquillity, confidence, and peace—all these and many more considerations present themselves to the general view, and justify the alarms that pervade Europe.

Whilst there is a universal feeling to acknowledge and do justice to the eminent virtues of the Emperor of Russia, and to the immense benefits which his perseverance and exertions have achieved for the general cause, the public mind is at a loss to conceive upon what ground this formidable measure is adopted or justified.

It is strongly alleged that it is in direct opposition to the engagements made by His Imperial Majesty with his allies the Emperor of Austria and King of Prussia, when they were engaged by Russia as confederates in the war.

It is argued irresistibly from the Treaties above stated, that the measure is not only against the tenor, but even more against the spirit, of these Treaties. Can it be supposed, it is alleged, that the Emperor of Austria and King of Prussia, when they stipulated "la dissolution du Duché de Varsovie et de partager les provinces que le forment, *entre l'Autriche*, la Prusse, et la Russie, d'après des arrangements à prendre par ces trois Puissances, sans aucune intervention du Gouvernement Français,"* intended to stipulate to cede nearly the whole Duchy which they had thus engaged to divide, for the mere aggrandizement of Russia alone, to the entire destruction of their own frontier, exposing thereby the capitals of their respective dominions naked and defenceless? As little can it be maintained that the Treaty contemplated the distribution of the Duchy between Russia and Prussia alone, to the exclusion of Austria,—the reverse is expressed on the face of the Treaty; and Prussia, in the subsequent Treaty signed in September with Austria, pledges herself to see "*l'arrangement à l'amiable entre les Trois Cours*" carried into effect. Can it be supposed that when Austria and Prussia stipulated for the *dissolution of the Duchy of Warsaw*, that they would have agreed to the more dangerous revival of it in a Polish kingdom, under the Crown of Russia—an arrangement tenfold more menacing and alarming to their respective States? If the words of the Treaty were as ambiguous as they are plain and conclusive, no person could possibly give such a construction to them as that these two Powers, who were then making engagements for the delivery of Europe, were induced to embrace that cause by covenanting their own military exposure to a powerful neighbour.

When, therefore, it is felt that the measure is contrary to the Treaties made, the subject assumes an aspect still more serious; for His Imperial Majesty must, upon a review of these facts, be sensible that the policy which it has occurred to him to pursue, is against the faith of his most solemn engagements. More especially as the system held out by His Imperial Majesty to induce Prussia, and afterwards Austria, to join the cause of Europe was, that the time was arrived when "les Traités ne seront plus des trèves, où ils pourront de nouveau être observés avec cette foi religieuse, cette inviolabilité sacrée auxquelles tiennent la considération, la force, et la conservation des Empires."† It is however trusted, that when His Imperial Majesty more materially and seriously examines his engagements, both in form and in spirit, he will be himself the most forward to recognize and adhere to them, and to desist from every project inconsistent with either.

* "The dissolution of the Duchy of Warsaw, and the partition of the provinces which compose it, between Austria, Prussia, and Russia, according to arrangements to be made by these three Powers, without any intervention of the French Government."

† "Treaties will no longer be truces, when they can again be observed with that scrupulous faith, that sacred inviolability, on which depend the consideration, the force, and the preservation of Empires."

It is a matter of no less difficulty to conceive how the annexation to the Russian Empire of almost the whole Duchy of Warsaw, and the erecting it, together with the Polish provinces now under the Russian dominion, into a distinct kingdom subject to the Russian Dynasty, can be regarded as a moral duty.

If His Imperial Majesty is seriously impressed with the necessity of ameliorating the condition of the Poles, distinct from views of territorial extension, it is submitted that the power is sufficiently in his hands at present, with regard to the numerous inhabitants of the Russian provinces taken from Poland, together with his fair proportion of the Duchy of Warsaw; and that for an experiment of such a nature, however beneficent, it cannot be necessary to attempt an aggrandisement of his Empire so enormous and so menacing as that proposed (an Empire at present amply sufficient for every purpose of ambition, and more than sufficient for the purposes of good government), at the expense of the present character and future security of his allies, and in contravention of his own engagements, and of those principles of justice and moderation which he has so repeatedly declared to be the sole motives of his conduct, and by which his conduct as to France upon the late peace was so eminently regulated.

His Imperial Majesty should also weigh how far it can be reconcileable with moral duty, precipitately to embark in an experiment which is likely to excite alarm and discontent amongst the neighbouring States, and political fermentation within his own dominions. If moral duty requires that the situation of the Poles should be ameliorated by so decisive a change as the revival of their Monarchy, let it be undertaken upon the broad and liberal principle of rendering them again really independent as a nation, instead of making two-thirds of them a more formidable military instrument in the hands of a single Power.

Such a measure of liberality would be applauded by all Europe, and would not be opposed; but, on the contrary, would be cheerfully acquiesced in both by Austria and Prussia. It would be a measure, it is true, of sacrifice, in the ordinary calculations of States, on the part of Russia; but if His Imperial Majesty is not prepared for such sacrifices to moral duty on the part of his own Empire, he has no moral right to make such experiments at the expense of his allies and neighbours.

It is further alleged, that so long as His Imperial Majesty tenaciously adheres to this objectionable project, it is impossible that any plan of arrangement for the reconstruction of Europe can be brought forward by the Plenipotentiaries of the allied Powers, or that the present Congress can be assembled in form to discuss and sanction any arrangement.

It can hardly be expected by His Imperial Majesty that the Plenipotentiaries of Austria and Prussia should come forward of their own accord, and propose, in the face of Europe, as a measure they think safe and honourable, to leave the dominions of their Sovereigns without a military frontier. It is unreasonable to demand such a measure. Can they, as Statesmen (after having framed and signed the Peace of Paris), in the face of Europe and their own fellow-subjects, recommend such an arrangement as calculated "de mettre fin aux longues agitations de l'Europe et aux malheurs des peuples par une paix solide, fondée sur une juste répartition de forces entre les Puissances, et portant dans ses stipulations la garantie de sa durée."*

The Plenipotentiaries of Great Britain, of France, of Spain, and, it is believed, those of all the other European States, great and small, are impressed with similar sentiments as to this project. How unfortunate, then, will be the predicament of Europe, if His Imperial Majesty shall tenaciously adhere to his present purpose, and determine to hold in military possession the Duchy of Warsaw against the general sense; and that the Plenipotentiaries of the other Powers selected for arranging a system for Europe and for the settlement of a solid and permanent peace, shall be obliged to inform the Representatives of all the States assembled at Vienna, that they are deprived, by such a line of conduct on the part of Russia, of any hope of proposing such a settlement as they have pledged themselves by the Treaty of Paris to give to Europe, after its long agitations and sufferings.

It seems that no other course can be properly adopted, unless His Imperial Majesty shall graciously condescend to consider seriously the consequences which must necessarily result from the measure to which he is at present attached; and it is for His Imperial Majesty to consider of that course which the various declarations which have been issued to Europe in his name, the spirit of his Treaties, the honour and safety of his allies, the general voice of Europe, his own eminent virtues, and the great character he has established, imperiously call for, in the face of Europe, upon so solemn an occasion as the reunion of its Plenipotentiaries in a general Congress.

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* "To put an end to the long troubles of Europe, and to the misfortunes of States, by a firm peace based upon a just distribution of force among the Powers, and containing in its stipulations the guarantee of its duration."

No. 2.

Viscount Castlereagh to the Emperor of Russia.

Sire, *Vienna, October* 12, 1814.

IN obedience to your Imperial Majesty's commands I have deeply and attentively reflected on the arrangements with respect to Poland which your Imperial Majesty so graciously condescended to open to me.

That the result of such reflections may be weighed by your Imperial Majesty with more precision than if submitted in a personal interview, I have presumed to throw the reasoning on which they rest into the form of an unofficial memorandum.

I have preferred this course, as enabling me to state the question to your Imperial Majesty with the less reserve, and as the world will feel and reason upon it; convinced that the candour with which your Imperial Majesty always desires to hear the truth and to examine it, will render it not less acceptable to your Imperial Majesty in this form, than if it was reduced within those bounds which my individual respect and confidence in your Imperial Majesty's intentions might have assigned to it.

I should wish to offer my sentiments to your Imperial Majesty, upon the present occasion, as little as possible in an official character. I should desire to be allowed to speak to your Imperial Majesty as an individual whom circumstances had associated, in an humble sphere, to the great work which your Imperial Majesty has now prominently conducted to the eve of its completion. Having attended your Imperial Majesty's head-quarters, and followed your footsteps throughout many of the difficulties and uncertainties of the contest, I must be permitted to feel more than an ordinary share of personal solicitude that the close may correspond with the character of the undertaking, and that your Imperial Majesty may, by your influence and by your example, inspire the councils of Europe, at the present conjuncture, with that spirit of forbearance, moderation, and generosity, which can alone secure to Europe the repose for which your Imperial Majesty has contended, and to your Majesty's name the glory that should surround it.

I cannot, however, so far abstract myself from the public situation in which I am placed, that it should not occur to your Imperial Majesty that it is the Prince Regent's Minister that addresses you.

In this view permit me, Sire, to recall to your attention that, except so far as British interests may be affected through the interests of Europe, Great Britain is the last Power whose separate interests could be endangered by any determination of your Imperial Majesty on the side of Poland; and that if I feel and argue strongly upon this question, I may be mistaken in the judgment I form; but upon no European question can I venture to claim, as the organ of the British Government, to be considered as a more impartial authority by your Imperial Majesty than upon the present.

I must also entreat, Sire, if you find me opposed, in a certain extent, to your Imperial Majesty's pretensions on the Duchy of Warsaw, that you will not therefore consider me indisposed to witness, even with satisfaction, that your Imperial Majesty should receive a liberal and important aggrandizement on your Polish frontier. It is the degree and the mode to which I alone object. Your Imperial Majesty may receive an ample pledge of European gratitude without imposing upon your allies and neighbours an arrangement inconsistent with the relations of independent States to each other.

I might also appeal to past experience, were it necessary, to relieve myself and my Government from any suspicion of a policy adverse to the views and interests of Russia. Your Imperial Majesty will recollect that we are only now emerging from a long course of painful policy with respect to Norway, undertaken at your Imperial Majesty's instance, in order to secure to you the support of Sweden throughout the war, and to consolidate your possession of Finland by obtaining for that Power an adequate indemnity in another direction. To this object our resources throughout the contest, and our conquests from Denmark, were steadily directed and successfully applied, under circumstances not a little arduous in such a Government as ours.

Your Imperial Majesty will trace the same friendly spirit in the aid lately afforded by His Majesty's Ministers at the Porte to the conclusion of a peace with the Turks, which involved in it a large accession of territory to your empire.

I may refer to a still more recent instance on the side of Persia, which your Imperial Majesty has condescended more than once to acknowledge, where a peace has been signed, securing to your Imperial Majesty important and extensive acquisitions, in consequence of the active intervention of the King's Ambassador, under express instructions from home.

If I have referred to these transactions, it is only from an anxiety that your Imperial Majesty may not misinterpret my motives, If I now find myself compelled, in this, the fourth instance of Russian aggrandizement within a few years, by a sense of public duty to Europe, and especially to your Imperial Majesty, to press for a modification, not for an abandonment, of your Imperial Majesty's pretensions to extend your empire further to the westward,—I persuade myself that I may do so without being considered by your Imperial Majesty as influenced by any other sentiments than those which it becomes me to entertain as the Minister of an allied Power; I might perhaps venture to claim some credit with your Imperial Majesty, if not influence on the part of my master the Prince Regent, from the spirit in which His Royal Highness has acted on other occasions.

Your Imperial Majesty cannot doubt how deeply the future fate and interest of Europe are likely to be influenced by the issue of the present Congress. How entirely the character of the great transactions in which the States of Europe have been engaged, and the fame of the principal actors in them, will depend upon the mode and temper in which it shall at last be wound up. How secondary in your Imperial Majesty's enlightened mind, and in the scale of such an empire as that over which Providence has called your Imperial Majesty to reign, can a million of population, more or less, be, as compared to the glory and to the service rendered to your own people, as well as to mankind, by setting to Europe an example of generosity and moderation in the regulation of what immediately concerns your own dominions.

I do not hesitate to declare, Sire, my solemn conviction that it depends exclusively upon the temper in which your Imperial Majesty shall meet the questions which more immediately coucern your own empire, whether the present Congress shall prove a blessing to mankind, or only exhibit a scene of discordant intrigue and a lawless scramble for power.

The station your Imperial Majesty occupies in Europe at this day enables you to do anything and everything for the general happiness, if you found your intervention upon just principles that Europe will bow to. If your Imperial Majesty should leave public opinion behind you, what may be your power I know not at the present moment, and on this I trust your Imperial Majesty will not rely; but in such a calamitous calculation I should despair of witnessing any just and stable order of things in Europe, and I should have the mortification of seeing your Imperial Majesty for the first time regarded, even by those whom you have delivered, as an object of alarm, instead of confidence.

This, Sire, must not, and I feel convinced cannot be, and your Imperial Majesty, with your accustomed indulgence, must permit me to conjure you, in the freedom to which you have condescended to admit me, to rise superior to all minor considerations, and to give to Europe that peace which they expect at your hands.

I should press these considerations with the more reluctance if I did not feel persuaded that there is a course open to your Imperial Majesty to pursue, which will combine your beneficent intentions towards your Polish subjects with what your allies and Europe, Sire, claimed at your hands. They desire not to see the Poles humiliated or deprived of a mild, conciliatory, and congenial system of administration. They desire not that your Imperial Majesty should enter into any engagements restrictive of your sovereign authority over your own provinces. They only wish you, Sire, for the sake of peace, to ameliorate gradually the frame of your Polish administration, and to avoid, if you are not prepared for the complete reunion and independence of Poland, that species of measure which, under the title of higher import, may create alarm both in Russia and the neighbouring States; and which, however it may gratify the ambition of a few individuals of great family in Poland, may in fact bring less of real liberty and happiness to the people than a more measured and unostentatious change in the system of their administration.

I shall beg permission to reserve the development of my ideas on this subject till your Imperial Majesty has looked at the general principle. I am confident it may be so arranged as to meet your Majesty's views, to satisfy the Poles, and to conciliate to the attempt both the favour of foreign Powers and your Majesty's Russian subjects.

If the political branch of the question can be thus settled, it will only remain for your Imperial Majesty to arrange your frontier with your allies in such a manner as may satisfy the spirit as well as the words of your Treaty of the 27th of June, 1813, with Austria and Prussia.

This may be done, leaving your Imperial Majesty still in possession of the greater part of the Duchy of Warsaw, whilst your allies will obtain that species of frontier which no independent Power can forego either with dignity or with safety.

I entreat your Imperial Majesty's gracious forgiveness for the liberty I have thus presumed to take, in occupying so much of your Imperial Majesty's attention, and that I

may be permitted to subscribe myself with the utmost deference and the most profound respect, &c.

(Signed) CASTLEREAGH.

No. 3.

Viscount Castlereagh to the Earl of Liverpool.—(Received November 1.)

(Extract.) *Vienna, October* 20, 1814.

SINCE my conversation with the Emperor, I cannot report to your Lordship that the negotiations here have assumed any more decisive aspect.

I communicated confidentially to the Austrian and Prussian Ministers what had passed, also the letter I had addressed to His Imperial Majesty. They both expressed their sense of the part I had taken, and desired to be permitted to put their respective Sovereigns in possession of both the documents that had been delivered to the Emperor. Hitherto no decisive explanation has taken place on the part of Austria upon the confidential overture from Prussia. Both Courts profess a conviction that nothing but a strict and intimate union between Austria and Prussia can preserve their independence, but I have not been yet able to bring Prince Metternich to give an answer to Prince Hardenberg's letter. He has, as I learn, made up his mind, and received the Emperor's authority, on the point of Saxony, and has given a verbal consent to the provisional administration being assumed by Prussia ; but nothing yet in writing has passed.

To preserve Prince Talleyrand's confidence, and to keep him as far as possible in the course that might aid the other measures, I thought it proper to apprize him of the steps I had taken with the Emperor of Russia, allowing him to read over both the letter and Memorandum. He expressed himself fully satisfied with what I had done.

In this interview Prince Talleyrand announced to me an intention of presenting a Memorandum or note, the object of which would be to state that, although no Conferences were held, he must presume the other Powers were not inactive. That he did not object to this, but that, whilst he deprecated unnecessary delay, he thought it right to apprize them beforehand of the points on which France must insist, at least to the extent of protesting, if they did not form a part of the arrangement. Having asked my opinion upon this measure, I did not hesitate strongly to dissuade him from it. I represented to him that the effect of putting forward his opposition on the Polish and Saxon points together, must be, so far as his influence could affect it, to unite Prussia and Russia, and that the result would be that he would lose both objects. Whereas if he postponed, or made his resistance on the Saxon question subordinate, he might possibly succeed in checking the overbearing pretensions of Russia.

I endeavoured to make him feel how secondary the point of Saxony was ; that, as an European question, the aggrandizement of Russia was full of danger, the effect of incorporating Saxony with Prussia was rather advantageous, as giving stability to a State that must be strong to preserve its independence. He pressed for an assurance from me that I would co-operate with him upon the Saxon point in the event of success on the Polish question. I told him that I could not undertake this ; that I might wish to modify to a certain extent the views of Prussia upon Saxony, but that I could not separate myself from what that Court should ultimately insist on, without impairing the general concert. That if ample materials were provided elsewhere I might moderate, but that I could not, after having throughout the whole of our intercourse acquiesced in the Prussian views upon Saxony, now be the party to give them any direct opposition. This reasoning was so far satisfactory to Prince Tallyrand that he desisted from presenting the note he had prepared. I understand from Prince Metternich that he sounded him also on this *démarche*, and received from him a similar opinion.

The Emperor of Russia having ordered General Pozzo di Borgo to attend him at Vienna, he arrived here two days since. I have seen him since his interview with His Imperial Majesty, and have every reason to believe that he has given a fair and honest opinion to His Majesty. I thought it advisable to desire General Pozzo di Borgo to apprize Count Nesselrode confidentially that my instructions did not authorize me to be a party to the Emperor's Polish arrangements as at present put forward, and that my authority to treat with respect to the Dutch loan was contingent upon other matters being satisfactorily adjusted.

No. 4.

Viscount Castlereagh to the Earl of Liverpool.—(*Received November* 4.)

(Extract.) *Vienna, October* 24, 1814.

IT was agreed that the Austrian and Prussian Ministers should meet the following day (Sunday) at my house, and I have the gratification to state that the result was satisfactory. Prince Hardenberg expressed himself satisfied with the explanations he had received on the point of Saxony, reserving to himself to reply to Prince Metternich's reasoning against the total incorporation of Saxony with Prussia. He stated strongly his objections to entrusting so important a fortress as Mayence to Bavaria alone; but was ready to reserve these points for further discussion (satisfied that they could not impede the desired union), and proceed at once to act in concert with Austria and England upon the Polish question.

The measures to be jointly adopted with this view were then discussed, and they desired me to prepare a Memorandum of the result, a copy of which I now inclose, on which they mean to take the pleasure of their respective Sovereigns.

Inclosure in No. 4.

Memorandum.

THE question of Poland and the Treaties affecting it having been brought in the fullest manner under the deliberate consideration of the Emperor of Russia, any further hesitation in bringing His Imperial Majesty to a distinct decision can be productive of no possible advantage, and may lead to an injurious interpretation of the determination of his allies thereupon.

It is conceived to be of the utmost importance, even before His Imperial Majesty proceeds to Buda, that he should be apprized of the serious purpose which his allies entertain of pressing upon His Imperial Majesty what they consider themselves, as well by their Treaties as by the general principles of policy and justice, entitled to claim from His Imperial Majesty.

That they should further inform the Emperor that immediately on His Imperial Majesty's return to Vienna they propose to make another attempt to settle this question amicably and confidentially with him; in the event of succeeding in which they flatter themselves to be enabled very speedily to bring to a satisfactory arrangement the other affairs of Europe, and would for that purpose desire a further adjournment of the Congress.

If, on the contrary, they should unfortunately fail in arriving at the conclusion which they so much desire, they will in that case feel it their duty to suffer the Congress to meet as now fixed, before whom the subject must be entered upon formally and officially.

It is proposed, in order that the Ministers of the two Powers should be fully prepared to submit to the Emperor their final determination on his return, that they should forthwith meet to settle the minimum of concession on the part of the Emperor that would satisfy their claims.

That, in laying this determination before the Emperor, in the names of their respective Courts, they should explain to him that for the sake of preserving unimpaired the harmony which had throughout distinguished the alliance, they had reduced their proposals within the narrowest possible limits; that in the event of being compelled to adopt a different course they must be considered as fully entitled to propose other and more extended terms.

That it may be desirable, even in this confidential overture, to propose to the Emperor alternatives on the political branch of the question, in order to keep it always in view that it is Russia alone, and not the other Courts, which really forms the obstacle to Polish liberation.

In the event of the question becoming one of discussion in Congress, it is suggested that the proceeding may properly originate in an official note from the Austrian Minister, separately or conjointly with the Prussian, addressed to the Minister of Russia, and claiming from that Power the execution of the Article of the Treaty of the 27th of June, 1813, and that the said note, after fully exposing the views, rights, and sentiments of the said Powers, should conclude by offering to the Emperor's option one or other of the following alternatives:—

1. The complete and entire reunion of Poland under an independent Sovereign, as it existed previous to the first partition, to the accomplishment of which arrangement, if it shall be acceptable to the Emperor, Austria and Prussia are ready to make the requisite sacrifices.

2. If the Emperor objects to this measure as involving too great a sacrifice of territory and dominion on the part of Russia, the Courts of Austria and Prussia are willing to consent to a similar measure, as applicable to the Kingdom of Poland as it stood in 1791, when it gave itself a free Constitution under Poniatowski.

3. Or if the Emperor of Russia shall reject the erection of Poland, upon a territorial scale however modified, into a Kingdom really independent, and should prefer adhering to the principle of partition, then the two Powers (protesting against his right to act with respect to his division of Poland in defeasance of the stipulation of the Convention of 1797) are willing to agree to adhere to the said principle of partition, provided the same be equitably applied, and with a due regard to the security, in a military point of view, of their respective States.

In execution of which principle they propose that the Vistula throughout the Duchy of Warsaw to Sendonier should be the Russian boundary, Prussia receiving Thorn on the right bank if the Emperor should desire to possess Warsaw on the left.

That in addition to the above, Austria should address a separate note to Prussia, claiming her intervention under the Treaty of September 1813, by which she engages to see the Treaty of June 1813 executed *à l'amiable*. That copies of these several notes should be laid before Congress, and that the several Powers of Europe should be invited to support the said overture, and to declare to the Emperor of Russia to what extent and upon what conditions Europe in Congress can or cannot admit His Imperial Majesty's pretensions to an an aggrandisement in Poland.

It is desirable that the Emperor should be made distinctly to understand that however willing the allies may be to avert so painful an appeal by every possible modification of their just claims, in the spirit of which sentiment they had agreed to the minimum proposed to His Imperial Majesty, yet that when driven to make that appeal in the presence of Europe by the refusal of such a modification, they must then adhere more rigidly to the scale of their just pretensions, and that it would rest with the Powers in Congress assembled to decide upon the measures which should be called for by so alarming an infraction of Treaties, and by an encroachment upon the military security of independent and neighbouring allied States, in contravention of the express stipulations of subsisting engagements.

No. 5.

Viscount Castlereagh to the Earl of Liverpool.—(Received November 24.)

(Extract.) *Vienna, November* 5, 1814.

THE day but one after the return of the Sovereigns from Buda, the inclosed communication was delivered to me by an Aide-de-camp of the Emperor of Russia.

It was prepared during His Imperial Majesty's absence by Prince Czartorisky, the memorandum being written in concert with him by M. Ansteten, a Conseiller d'Etat in the Bureau. I have reason to believe that Count Nesselrode was not consulted.

I should certainly have never presumed to address my first letter with its inclosure to the Emperor, if I had conceived that I imposed on His Imperial Majesty thereby the necessity of a reply. I delivered it after a long audience, as containing the substance of the topics that had been urged. The memorandum it inclosed was not originally written to meet the Emperor's eye; but having been given to Prince Metternich and Prince Hardenberg, I thought it more becoming to submit it to His Imperial Majesty, with the apology contained in the letter, than to have any concealment from him, after the encouragement I had received from His Majesty to explain myself on the subject without reserve. The sentiments of the Emperor's own mind certainly neither led him to feel any particular umbrage at the communication, nor to think of giving an answer to it, till his Polish advisers pressed it upon him, probably with a view of pledging His Imperial Majesty more deeply to their schemes. I believe I mentioned to your Lordship that the Emperor, after he had read the letter, expressed himself very graciously to me upon it, and afterwards in a conversation with Lord Cathcart, more pointedly expressed his approbation of the *franchise*, as His Imperial Majesty termed it, with which I conducted myself. That he was persuaded I adopted the same course in other quarters. That he thought he understood perfectly my motives for the course I had taken, namely, that of effecting a

compromise; and His Imperial Majesty was further pleased to add that if he had been in my place he would have done the same.

Upon the receipt of the Emperor's letter, I felt considerable embarrassment with respect to the part it became me to take. I was unwilling to abuse the indulgence of a direct intercourse with a Sovereign, and not less so to acquiesce in imputations and principles, against both of which I deemed it my duty to protest. Upon the best reflection I determined to separate the memorandum as much as possible from both the letter and the person of the Emperor, and to direct my reasoning wholly to that, as a Ministerial document, which had reached me through His Imperial Majesty's intervention, but to which he was in no other sense a party. I yesterday accordingly sent the reply which I now inclose, accompanied by an explanatory letter to the Emperor, by my brother, as the most respectful and least formal channel of conveyance.

I should have wished that this species of discussion had fallen into more able hands, and especially that it could have been conducted by the Minister of one of the Powers more immediately interested in the Polish question; but, when I saw the service suffering from inaction, I found it difficult to be passive, and your Lordship may be assured that England is still the only Power that either can or dares raise her voice against the powerful and the oppressor.

I wish I could lead your Lordship to expect a favourable issue to these Polish discussions. I shall furnish you with the details of their intermediate progress since my last in a separate despatch. My object has been that, at least, the Prince Regent should stand justified in the eyes of Europe, whatever may be the event, and that if the Powers most immediately interested should find themselves obliged to submit to an unjust and illiberal act of power, His Royal Highness's Ministers may have been found true to those principles which have distinguished the British Government throughout the war, and which have conciliated to her councils the respect and confidence of the Continent.

Inclosure 1 in No. 5.

The Emperor of Russia to Viscount Castlereagh.

Vienne, le $\frac{18}{30}$ *Octobre,* 1814.

J'AI tardé jusqu'à présent de vous répondre, my Lord, parceque j'ai voulu auparavant peser mûrement la force de chacun des arguments que vous cherchiez à opposer aux déterminations que j'ai prises, et que je vous ai confiées relativement au Duché de Varsovie. J'ai eu aussi de la peine, je l'avoue, à comprendre vos motifs et leur explication, et à concilier vos démarches avec les sentiments que vous exprimez; et votre début au Congrès avec la conduite passée de la Grande Bretagne.

La forme que vous avez suivie est aussi celle que j'adopte. La réponse au mémorandum contiendra la réfutation en forme d'une pièce que je ne puis envisager, d'après les déterminations dont elle menace, que comme un acte à peu près officiel. Mais il m'a paru nécessaire que dans cette lettre particulière je vous parle de ce qui a fait l'objet de la vôtre.

Après une introduction dont je ne méconnaîtrai pas l'intention, vous dites, my Lord, que vous verriez *même avec satisfaction* que je reçusse un agrandissement libéral et important du côté de mes frontières Polonaises, un gage considérable de la reconnaissance de l'Europe, pourvu que ce ne soit pas en imposant à mes voisins un arrangement inconsistent avec ce que des Etats indépendants se doivent les uns aux autres.

Comme je partage, à cet égard, entièrement votre opinion, et que la réponse au mémorandum prouve au long que je ne m'en suis nullement départi, je n'aurai rien à ajouter ici sur cette matière, sinon à vous témoigner ma surprise de vous voir renchérir sur les appréhensions de mes voisins.

Je passe donc à l'article où vous me rappelez des événements dont je ne perdrai jamais le souvenir, c'est-à-dire, l'assistance franche et cordiale que j'ai reçue de la part de l'Angleterre, lorsque je luttais seul contre tout le Continent conduit par Napoléon.

L'on se met toujours dans son tort quand on veut porter en compte à quelqu'un des services rendus. Si j'avais cru trouver dans vos remarques cette intention, ou bien le soupçon injuste de ne pas suffisamment apprécier le caractère élevé de la nation et la politique éclairée et amicale du Cabinet Britannique, pendant le cours de la guerre, je n'y eusse pas répondu. Mais nous avons à discuter l'avenir, et pour cela il est naturel de bien s'expliquer sur le passé. La réponse au mémorandum vous démontrera que toutes les acquisitions que j'ai faites jusqu'à présent n'ont eu de valeur que strictement sous le rapport défensif. Il suffira donc ici de vous adresser la question suivante:—Si dans la lutte à mort que j'ai soutenue au cœur de mes Etats, je n'avais pas été tranquille du côté

des Turcs, aurais-je pu mettre dans la continuation de la guerre les grands moyens que j'y ai consacrés, et l'Europe eut-elle été affranchie ?

Vous me faites entendre que l'Angleterre n'a consenti à l'acquisition de la Norvège en faveur de la Suède que pour me garantir l'acquisition antérieure de la Finlande. Pour moi j'étais parti d'un principe plus généreux, et en sollicitant l'Angleterre à concourir à la garantie de la Norvège je voulais procurer un allié de plus à notre cause. Je ne pouvais perdre de vue les grands avantages maritimes que la Norvège donnait à la Suède contre moi. Cependant, tout compensé, ma capitale était devenue inattaquable, tandis que la Suède, mieux concentrée, n'avait plus rien à redouter. De cette façon on gagnait de part et d'autre en sûreté, et toutes les raisons de discussions et d'alarmes étaient écartées. Si les règles de l'équilibre ne se trouvent point là, j'ignore où il faudra les chercher.

Vous voyez, my Lord, que je n'ai pas méconnu le véritable sens dans lequel vous m'avez rappelé quelques actes de la politique de votre Cabinet, et que je suis loin d'en vouloir diminuer le mérite.

Sans doute que de l'issue du présent Congrès dépend le sort futur des Etats Européens, et tous mes efforts, tous mes sacrifices, ont eu pour objet de voir les membres de notre union récupérer ou acquérir des dimensions capables de maintenir l'équilibre général. J'ignore donc comment, avec de pareils principes, le Congrès actuel pourrait devenir un foyer d'intrigues et de haine, une scène d'efforts iniques pour acquérir du pouvoir. Je me défends de tourner cette phrase contre aucun de mes alliés, quelqu'extraordinaire qu'il ait dû me paraître de la trouver dans votre lettre. C'est au monde qui a vu mes principes, depuis le passage de la Vistule jusqu'à celui de la Seine, à juger si le désir d'acquérir un million d'âmes de plus de population, ou celui de m'assurer une prépondérance quelconque, était capable de m'animer et de guider aucune de mes démarches.

La pureté de mes intentions me rend fort ; si je tiens à l'ordre de choses que je voudrais établir en Pologne, c'est parceque j'ai dans ma conscience l'intime conviction que ce serait agir en faveur de l'avantage général, plus encore que pour mon intérêt personnel. Cette politique morale, quelque nuance que vous cherchiez à lui donner, trouverait peut-être des appréciateurs chez les nations où tout ce qui est désintéressé et bienveillant est accueilli.

Au surplus, les détails et les raisonnements contenus dans la réponse au mémorandum serviront, je me flatte, à vous calmer sur le sinistre avenir que vous voulez présager pour les Puissances auxquelles me lie tout ce que l'amitié et la confiance ont de plus indissoluble. Je compte de leur part sur un retour parfait. Quand de pareils éléments existent on ne doit pas craindre, quels que soient les brandons de discorde qu'on cherchera à jeter parmi nous, qu'il ne résulte du Congrès un état de choses *honorable* pour chacun, et tranquillisant pour tous.

Quant à ce qui concerne les soins que je dois à mes propres sujets, et mes devoirs envers eux, c'est à moi à les connaître ; et il n'y a que la droiture de vos motifs qui ait pu me faire revenir sur les premières impressions qu'a produit en moi la lecture de ce passage de votre lettre.

Au reste, ma réponse et ma confiance dans cette occasion vous prouveront, my Lord, que mes sentiments sincères pour vous n'ont pas changé.

(Signé) ALEXANDRE.

(Translation.)

Vienna, October $\frac{18}{30}$, 1814.

I HAVE delayed answering you up to the present time, my Lord, because I wished in the first instance attentively to weigh the force of each of the arguments which you sought to oppose to the resolutions which I have taken, and which I have confided to you, relative to the Duchy of Warsaw. I have also had some difficulty, I admit, in comprehending your motives and the explanation of them, and in reconciling your proceedings with the sentiments which you express, and your first appearance at the Congress with the past conduct of Great Britain.

The form which you have followed is also that which I adopt. The reply to the memorandum will contain the formal refutation of a paper which, in consequence of the resolutions of which it contains the menace, I can only regard as an almost official document. But it has appeared to me necessary that in this private letter I should speak to you of that which was the object of yours.

After an introduction, the purpose of which I will not mistake, you say, my Lord, that you would see *even with satisfaction* that I should receive a liberal and important aggrandisement on the side of my Polish frontiers, an important pledge of the gratitude of Europe, provided that it were not brought about by imposing on my neighbours an arrangement inconsistent with what independent States owe to each other.

As I partake entirely of your opinion in this respect, and as the reply to the memorandum proves at length that I have in no wise deviated from it, I shall have nothing to add in this place upon that matter, except to express my surprise at seeing you go beyond the apprehensions of my neighbours.

I proceed then to the passage in which you recall to me events of which I never shall lose the recollection, that is to say, the frank and cordial assistance which I received from England, when I was struggling alone against the whole Continent led on by Napoleon.

One is always in the wrong when one desires to reckon up against any one services performed. If I had thought that I discovered this intention in your observation, or at all events the unjust suspicion that I did not sufficiently appreciate the elevated character of the nation, and the enlightened and friendly policy of the British Cabinet during the course of the war, I would not have replied to them. But we have to discuss the future, and for that purpose it is natural to have a full explanation of the past. The reply to the memorandum will prove to you that all the acquisitions which I have made up to the present time have had no value except in a strictly defensive sense. It will be sufficient then in this place to address to you the following question:—If in the mortal struggle which I sustained in the heart of my dominions, I had not been at ease on the side of the Turks, could I have employed in the continuation of the war the great means which I devoted to it, and would Europe have been enfranchised?

You give me to understand that England only consented to the acquisition of Norway by Sweden, in order to assure to me the previous acquisition of Finland. For my part I set out from a more generous principle, and in soliciting England to concur in the guarantee of Norway, I was desirous of procuring an additional ally to our cause. I could not lose sight of the great maritime advantages which Norway gave to Sweden against me. Nevertheless, all things taken together, my capital became unassailable, while Sweden, better concentrated, had nothing further to apprehend. After this fashion both parties gained in security, and all the reasons for discussions and apprehensions were done away with. If the rules of equal balance do not consist in that, I know not where they are to be sought.

You see, my Lord, that I have not mistaken the true sense in which you have reminded me of certain acts of policy of your Cabinet, and that I am far from wishing to detract from the merits of them.

Doubtless the future destiny of the European States depends on the result of the present Congress, and all my efforts, all my sacrifices, have had for object to see the members of our association receive or acquire dimensions capable of maintaining the general balance of power. I know not then how, with such principles, the present Congress could become a stage for intrigues and for hatred, or for scenes of iniquitous struggles for the acquisition of power. I refrain from turning this expression against any of my allies, however strange it must have appeared to me to find it in your letter. It is for the world, which has beheld my principles from the passage of the Vistula to the passage of the Seine, to judge whether the desire of acquiring a million of souls of population the more, or that of securing any preponderance whatever, was capable of inspiring or directing any of my measures.

The purity of my intentions makes me strong; if I cling to the order of things which I desired to establish in Poland, it is because I conscientiously entertain the inward conviction that I should be acting in that manner in behalf of the general advantage, still more than for my personal interest. That moral policy, whatever shade you may seek to give it, would perhaps find those who would appreciate it among nations where all that is disinterested and benevolent is received.

Furthermore, the details and the reasonings contained in the reply to the memorandum will serve, I flatter myself, to tranquillize you as to the ill-omened future which you are desirous of predicting for the Powers to whom I am united by all that is most indissoluble in friendship and confidence. I reckon on their part for a full return. When the like elements exist, it is not to be apprehended, whatever brands of discord shall be sought to be cast among us, that a state of things will not result from the Congress *honourable* for each and tranquillizing for all.

As regards the concern which I owe to my own subjects, and my duties towards them, it is for me to be aware of them; and it is only the uprightness of your motives which could have made me change the first impressions which the reading of this passage of your letter produced upon me.

In other respects, my reply and my confidence on the present occasion will prove to you, my Lord, that my sincere sentiments for you have undergone no change.

(Signed) ALEXANDER.

Inclosure 2 in No. 5.

Russian Memorandum.

L'AUTEUR du Mémorandum ne pouvait assurément point faire un choix plus analogue aux circonstances qu'en introduisant sa pièce par le préambule de ce Traité de Kalisch, où les maximes d'Etat et les principes de l'Empereur de toutes les Russies se trouvent dans leur vrai jour. C'est le premier lien auquel s'est rattaché l'indépendance de tous les Etats. C'est la Russie qui a été au-devant d'eux, après avoir exterminé les forces Françaises qui avaient dévasté ses provinces, et qui a voulu que ses anciens alliés reprissent toute leur puissance.

L'Empereur y a consacré des moyens extraordinaires ; et ni Moscou en cendres, ni ses villes et ses campagnes désolées, n'ont pu l'arrêter dans cette grande et généreuse entreprise à laquelle sa modération attirait tant de moyens. Mais ce ne sont point là les conclusions que l'auteur du Mémorandum veut produire. Il veut prouver que l'Empereur s'écarte de ses premiers principes, qu'il méconnaît la foi des Traités, qu'il menace la sûreté de ses voisins.

Sa Majesté a lu avec calme d'aussi étranges inculpations, quoiqu'il ne s'y attendisse point de la personne qui est entrée en lice.

Mais sa conduite les a réfutées d'avance, et cette réponse servira, elle l'espère, à calmer toutes les alarmes, et à rendre superflues de nouvelles remonstrances de ce genre.

Pour appuyer son raisonnement, l'auteur du Mémorandum cite textuellement l'Article II du Traité du Kalisch ; de là il passe à la Convention du 27 Juin, et en rappelle les stipulations, c'est-à-dire, celles qui concernent le Duché de Varsovie et les acquisitions en faveur de l'Autriche et de la Prusse. Finalement, il rapporte les conditions du Premier Article Secret du Traité d'Alliance du 9 Septembre, 1813.

Il en infère, que " d'après le sens de ces différents engagements, il n'est nulle part supposé que l'Empereur s'envisageait comme autorisé à disposer de tout le Duché de Varsovie avec ses forteresses, par la raison qu'il en avait fait la conquête avec ses seules armes ; et que ce n'est que par forme de grâce et de faveur qu'il est intentionné d'assigner à la Prusse la ville et le territoire de Danzig, ainsi que les districts nécessaires pour lier l'Ancienne Prusse avec les autres territoires Prussiens." L'auteur du Mémorandum ajoute, qu'outre cela il est entendu que du reste du Duché de Varsovie, l'Empereur créera une Monarchie séparée, pour, de concert avec ses autres provinces Polonaises, être administrée par Sa Majesté Impériale en qualité de Roi de Pologne ; que cette détermination est annoncée comme fondée sur le devoir moral d'améliorer le sort des anciens sujets Polonais de l'Empereur, comme celui des habitants du Duché.

Citons nous-mêmes les Actes allégués. L'Article II du Traité du 27 dit :—

§ 2. " La dissolution du Duché de Varsovie et le partage des provinces qui le forment, entre la Russie, l'Autriche, et la Prusse."

§ 3. "L'agrandissement de la Prusse, en suite de ce partage, et *par la cession de la ville et du territoire de Danzig*."

§ 4. "La restitution des Provinces Illyriennes à l'Autriche," &c. &c.

Voilà la substance de ce principal Article. Mais de quel Acte fait-il partie? D'un Traité purement éventuel, et tellement éventuel que ni l'Autriche ni la Prusse n'eussent atteint cet étonnant accroissement de puissance, de territoire, d'influence, ou de considération, si la poursuite de la guerre n'avait amené d'autres conquêtes bien plus considérables. Dès-lors les premières stipulations n'étaient plus applicables aux résultats, et devaient suivre d'autres proportions. A mesure que l'Autriche ainsi que la Prusse acquerraient la perspective d'immenses acquisitions, la Russie acquerrait aussi le droit de prétendre à des dédommagements moins restreints.

Les Puissances alliées ont si bien senti la vérité de ce fait que dans le Traité du 9 Septembre il n'est plus question d'autre chose, sinon " d'un arrangement à l'amiable entre les trois Cours de Russie, d'Autriche, et de Prusse sur le sort futur du Duché de Varsovie."

Ou la rédaction de cet Article est insidieuse, ou l'on y reconnaît évidemment les droits proportionnellement acquis par la Russie ; mais dans tous les cas il est subversif de l'Article du Traité éventuel de Reichenbach.

Donnons donc à celui du 9 Septembre toute sa force d'intention et d'application, et voyons si ses conditions sont remplies. Au moment où Danzig fut tombé, l'Empereur, d'un mouvement spontané, remit cette place avec son territoire à Sa Majesté Prussienne.

L'Autriche a récupéré la possession entière et les revenus des mines de Wieliczka, le faubourg et le rayon de Cracovie. Le pays à céder à la Prusse pour lier ses anciennes provinces est un des plus populeux et des plus riches du Duché ; le plus avancé dans la

civilisation, l'agriculture, et l'industrie, et rempli de manufactures qui manquent au reste du pays.

C'est-à-dire, en résumé, que l'Autriche reprend au-delà de 3,000,000 de florins d'Allemagne de revenu net, un territoire riche en mines de charbon de terre et de soufre, un rayon sans lequel Cracovie n'est rien. Ou, pour être plus précis encore, c'est-à-dire que la Russie renonce dans le Duché à un quart de sa population et un tiers de ses richesses et de ses revenus ; et qu'elle n'acquiert en dernière analyse que 2,200,000 âmes d'une population dont le maximum n'a jamais passé 3,300,000, et environ 8,000,000 de florins d'Allemagne de revenu.

Or, l'arrangement le plus défavorable pourrait-il restreindre davantage le lot de la Russie ? Et cette acquisition, on le demande à tout homme impartial, peut-elle s'appeler immense, comme la qualifie le Mémorandum Anglais ? Peut-elle seulement s'appeler considérable ou même équitable, en comparison des proportions réservées à l'Autriche et à la Prusse, dans les contrées les plus favorisées de la nature, et où abondent toutes les sources de production et de richesse ? Si à cette considération l'auteur du Mémorandum veut joindre le tableau de la situation intérieure du Duché, ruiné par la guerre, la famine, les maladies contagieuses, les émigrations, à quoi se réduiront ses chaleureuses déclamations contre l'immensité de cette acquisition ?

Considérons maintenant la question sous ses rapports militaires, et détruisons également les exagérations du Mémorandum, qui montrent comme une conséquence inévitable de la réunion d'une partie du Duché de Varsovie tous les maux politiques qui doivent assaillir l'Europe.

Pour donner quelque poids à ses remarques à cet égard, l'auteur du Mémorandum est obligé de recourir à une ressource à laquelle on ne s'attendait assurément point. Il montre la Russie devenue colossale par l'acquisition de la Finlande Suédoise, d'une partie de la Bessarabie, et par la frontière qu'elle a obtenue en Perse.

Puis, donnant au Duché de Varsovie une latitude toute nouvelle, il montre la puissance Russie établie par là dans le cœur de l'Allemagne.

Quand un raisonnement donne dans l'extrême il cesse de persuader. Il suffit d'ailleurs de peu de remarques pour l'anéantir. Après que la Russie eût acquis la Finlande Suédoise, elle fut la première à travailler à obtenir un dédommagement en faveur de la Suède, mais l'Empereur y mit la condition expresse de l'accession de cette Puissance à la cause commune.

Sa Majesté Impériale lui acquerrait ainsi un allié utile et rétablissait en même temps un équilibre parfait de ce côté-là. Quant à la ligne acquise en Perse, elle est d'une défense plus facile ; mais malgré cet avantage, la sûreté et la tranquillité de cette partie des frontières exigent des garnisons assez nombreuses, qui doivent être renouvelées chaque année, à cause d'un climat malsain et destructeur.

L'acquisition d'une partie de Bessarabie a fourni de même une défense plus facile au moyen de quelques forteresses. Sous tout autre rapport c'est un avantage insignifiant, après une guerre longue et meurtrière. Or, quand tout annonce à l'œil de l'observateur que l'Empereur ne s'applique qu'à établir un système de défense et non d'agression ; quand on se rappelle qu'il n'a pu trouver que dans Moscou sacrifié un moyen de repousser la dernière invasion de la Grande Ligue ; comment concevoir encore des alarmes contre ses intentions et ses vues ?

Ramenons la question au Duché de Varsovie et de ses forteresses. C'est en vain que l'auteur du Mémorandum s'écrie que par cette réunion les capitales de l'Autriche et de la Prusse sont menacées sans aucun moyen de défense ; c'est en vain qu'il offre la peinture animée des entreprises de ces Polonais inquiets et remuans appelés à se rallier autour de l'étendard Royal, renouvelant les scènes du passé, conspirant contre leurs voisins, enlevant ainsi à tous les cœurs chaque espoir de tranquillité et de bonheur pour l'avenir. Il suffit de jeter un coup d'œil sur la carte pour se convaincre que ces dangers sont imaginaires ; que la défense naturelle se trouve du côté de l'Autriche, la défense artificielle par les places de guerre du côté de la Prusse ; que le Duché, au contraire, formant un point avancé, serait pris entre les armées d'Autriche et de la Prusse, et les opérations continuant sur les provinces intérieures, tout ce qui se trouverait au-delà du Bug, du Niemen, serait coupé de fait, et n'aurait de ressources que dans deux ou trois forteresses. Ainsi en portant les choses à l'extrême, le danger serait toujours plus grand pour la Russie que pour l'Autriche ou la Prusse, qui ne manqueraient point de faire cause commune.

Mais admettons l'hypothèse d'une entreprise sur Vienne, de cette capitale que le Mémorandum croit principalement menacée. De quelque point que l'attaque partît, elle prêterait le flanc et le dos aux débouchés des Carpathes. Cette chaîne de montagnes est, à l'égard du Duché, ce que sont à l'égard de la Saxe les montagnes de la Bohême. Or, deux rassemblements de troupes faits en Transylvanie et en Hongrie couperaient de ses

communications toute armée qui se serait portée sur Lemberg, ou qui, du Palatinat de Cracovie, voudrait agir sur la Moravie. Revenons aux forteresses. Cracovie, muni d'un mauvais château, ne peut plus être mis en ligne de compte depuis que, perdant son principal faubourg, son rayon et la rive droite de la Vistule, l'établissement d'une tête de pont est impossible. Restent Thorn, Modlin, Zamosc, car Sierock est à peine une place d'armes. La Prusse conservant Graudenz et Dantzic, il est de justice que Thorn reste au Duché. Si Modlin est entre les mains d'une autre Puissance, la navigation a cessé pour la Russie sur le Bug, le Narew, &c., &c. Si Zamosc est entre les mains de l'Autriche, le Palatinat de Lublin n'est pas tenable. Cependant, disons-le, ce n'est point la raison militaire qui a motivé de si vives clameurs ; c'est la question de la restoration du nom du Royaume de Pologne.

L'auteur a eu soin de produire à cet égard l'Article Secret du Traité de 1797, qui stipule que les trois Cours co-partageantes *n'inséreraient plus dans leur intitulé la dénomination ou désignation cumulative de Royaume de Pologne.* Pour que cet Article demeurât obligatoire, il aurait fallu que les choses fussent restées dans la même situation.

Mais lorsque l'Autriche et la Prusse ont contribué, comme alliés de la France, à dépouiller la Russie de la plus grande partie des provinces Polonaises ; quand la Russie a été obligée de les reconquérir ; lorsque la conquête du Duché de Varsovie devient aujourd'hui une compensation pour d'énormes sacrifices, il s'agit effectivement d'un nouveau partage, et dans ce cas les stipulations qui ont accompagné celui de 1797 n'existent plus.

Vouloir méconnaître en ceci le droit public, c'est chercher gratuitement à compliquer les affaires et à multiplier les difficultés. Supposons ce nom de Royaume de Pologne rétabli, et une partie du Duché de Varsovie réunie à la Russie. Admettons à cet égard les conjectures les plus étendues de l'auteur du Mémorandum, quels sont les dangers qui en résulteront pour l'Autriche et la Prusse ? Aucun, puisque l'Empereur offre à l'une et à l'autre de ces Puissances la garantie la plus formelle des parties de la Pologne qui demeureront sous leurs sceptres. Aucun, puisque cette restitution devant être contraire, selon l'auteur du Mémorandum, au système de l'Autriche, de la Prusse, de la France, et du Ministère Britannique, la moindre tentative réunirait toutes ces Puissances, auxquelles la Turquie se joindrait d'abondance, contre la Russie isolée, et abandonnée à ses seules forces. Cet avis est sans doute un des premiers de ce genre fait en diplomatie ; mais il est digne de la pureté des intentions de l'Empereur. Ce n'est point d'un peu plus ou d'un peu moins de surface, ce n'est pas de quelques places fortes, que se compose d'ailleurs l'équilibre général. C'est de la parité d'intérêts, qui ont une tendance commune au moment du danger. Rien ne prouve autant que cette remarque que s'il se présente une solution d'équilibre, ce n'est assurément point en faveur de la Russie. Concluons de plus, que la nationalité qui doit revenir aux Polonais n'est point dangereuse, mais au contraire que ce serait le moyen le plus sûr de calmer l'inquiétude qu'on leur reproche, et de concilier tous les intérêts. L'Empereur a cette conviction, et le temps et les événements prouveront qu'elle était fondée.

L'on ignore quel jugement l'auteur, après avoir lu ces passages, portera lui-même de l'inconcevable reproche qu'il fait à l'Empereur d'avoir abusé du langage de ses Traités et de ses engagements, pour porter l'Autriche et la Prusse à se joindre à la cause de l'Europe, tandis que ces deux Puissances, affranchies du joug de Napoléon, ont repris par là leur ancienne force, une dignité nouvelle, un accroissement considérable ; et comment il maintiendra la thèse qu'il a avancée, que parceque l'Empereur a pensé à restituer le titre de Royaume de Pologne, l'Europe sauvée, et tous les avantages acquis par les alliés, se réduisent à rien.

Il termine en déclarant qu'aussi longtemps que Sa Majesté Impériale adhérera à son projet, aucun plan, aucun arrangement ne pourra être fait par les Plénipotentiaires respectifs, que le Congrès ne saurait être assemblé, ni pour discuter, ni pour sanctionner un travail quelconque. Il ajoute qu'il est impossible de supposer que les Plénipotentiaires d'Autriche et de Prusse laisseront les domaines de leurs maîtres sans une frontière militaire ; que les Ministres de toutes les Puissances, que l'auteur représente dans cette circonstance (l'on ignore de quel droit), sont du même avis ; et qu'il ne leur restera qu'à rendre compte des motifs qui les ont obligés de se séparer, sans avoir pu mettre la main à l'œuvre bienfaisant qui devait assurer le bonheur futur de l'Europe.

Si après avoir médité le contenu de cette réponse, l'auteur se croit oblige de tenir aux mêmes principes, s'il n'est point convaincu, si enfin il pouvait parvenir à faire dissoudre le Congrès, pour un seul point, tandis que tant d'autres plus importants restent à régler, l'Empereur n'aura point à se reprocher ce malheur. Il exposera à Angleterre, à l'Europe, la nature et l'étendue de ses demandes. Les peuples qui l'ont vu combattre pour leur liberté, qui ont été témoins de sa modération, apprendront quelle est la cause qui s'est

opposée au rétablissement général de l'ordre, du bonheur, et de la tranquillité, pour lesquels tant de sang a coulé.

Quant aux Souverains, ses amis, ses alliés, ses frères d'armes, rien ne pourra jamais attiédir son amitié envers eux; elle est fondée sur l'estime et la confiance la plus absolue, et toutes les conceptions de sa politique seront constamment réglées sur ces principes.

(Translation.)

THE author of the Memorandum could not assuredly have made a selection more in accordance with the circumstances of the case than by commencing his paper with the preamble of that Treaty of Kalisch where the maxims of State policy and the principles of the Emperor of all the Russias are to be found in their true light. It is the first bond on which the independence of all the States reposes. It is Russia who met them, after having exterminated the French forces which had laid waste her provinces, and who desired that her ancient allies should resume all their power.

The Emperor devoted extraordinary means to this end, and neither Moscow in ashes, nor his cities and fields desolated, could arrest him in this great and generous enterprise, to which his moderation attracted such great means. But these are not the conclusions which the author of the Memorandum is desirous of producing. He wishes to prove that the Emperor is deviating from his first principles, that he disregards the faith of Treaties, that he threatens the safety of his neighbours.

His Majesty has perused with calmness such strange accusations, although he did not expect them from the person who has entered the lists.

But his conduct has refuted them beforehand, and this reply will serve, he trusts, to calm all apprehension and to render superfluous fresh remonstrances of this nature.

In support of his reasoning, the author of the Memorandum quotes literally Article II of the Treaty of Kalisch; from thence he passes to the Convention of the 27th of June, and recites the stipulations of it, that is to say, those which relate to the Duchy of Warsaw and the acquisitions in favour of Austria and of Prussia. Lastly, he recites the conditions of the First Secret Article of the Treaty of Alliance of the 9th of September, 1813.

He deduces from these that "according to the meaning of these different engagements, it is in no way supposed that the Emperor considered himself authorized to dispose of the whole of the Duchy of Warsaw, with its fortresses, on account of his having effected the conquest of it by his arms alone; and that it is only as a grace and favour that he has the intention to assign to Prussia the city and territory of Dantzic, as well as the districts necessary to unite Ancient Prussia with the other Prussian territories." But the author of the Memorandum adds that besides this it is intended that the Emperor shall, out of the rest of the Duchy of Warsaw, create a separate monarchy, to be in common with his other Polish provinces administered by His Imperial Majesty as King of Poland; that this determination is announced as being founded on the moral duty of improving the position of the ancient Polish subjects of the Emperor, as well as that of the inhabitants of the Duchy.

Let us quote the Acts adduced. Article II of the Treaty of June 27th says:—

§ 2. "The dissolution of the Duchy of Warsaw, and the partition of the provinces which compose it between Russia, Austria, and Prussia."

§ 3. "The aggrandizement of Prussia as a consequence of this partition, and *by the cession of the city and territory of Dantzic.*"

§ 4. "The restitution of the Illyrian Provinces to Austria," &c., &c.

Such is the substance of this principal Article. But of what instrument is it a part? Of a Treaty purely contingent, and so contingent that neither Austria nor Prussia would have obtained this astonishing augmentation of power, of territory, of influence, or of consideration, if the prosecution of the war had not brought on other conquests far more considerable. From that time the first stipulations were no longer applicable to the result, and must needs follow other proportions. According as Austria as well as Prussia obtained the prospect of immense acquisitions, Russia also acquired the right of pretending to indemnities less restricted.

The Allied Powers were so fully sensible of the truth of this fact, that in the Treaty of the 9th of September, there is no longer question of anything else save "of an amicable arrangement between the three Courts of Russia, of Austria, and of Prussia, with respect to the future destiny of the Duchy of Warsaw."

Either the wording of this Article is insidious, or the rights proportionately acquired by Russia are evidently recognized in it; but in every case it is subversive of the Article of the contingent Treaty of Reichenbach.

Let us assign then to the Treaty of the 9th of September its entire force of intention

and of application, and let us see if its conditions are fulfilled. At the moment when Dantzic had fallen, the Emperor spontaneously made over that place with its territory to His Prussian Majesty.

Austria has recovered the entire possession and the revenues of the mines of Wieliczka, the suburbs and circle of Cracow. The country to be ceded to Prussia in order to connect its ancient provinces is one of the most populous and richest of the Duchy; the most advanced in civilization, agriculture, and industry, and filled with manufactories which the rest of the country is without.

That is to say, in recapitulation, that Austria recovers above 3,000,000 of German florins in net revenue, a territory rich in mines of coal and sulphur, a circle without which Cracow is nothing. Or, to be still more precise, that is to say, that Russia renounces in the Duchy a fourth part of its population and a third of its riches and revenues; and that she acquires, taken altogether, only 2,200,000 souls of a population the maximum of which has never exceeded 3,300,000, and about 8,000,000 German florins of revenue.

Consequently, could the most unfavourable arrangement restrict to a greater extent the portion of Russia? And this acquisition, it is asked of every impartial man, can it be called immense, as it is characterized in the English Memorandum? Can it only be called considerable, or even equitable, in comparison with the portions reserved to Austria and to Prussia in countries the most favoured by Nature, and wherein all the sources of production and of wealth abound? If to this consideration the author of the Memorandum chooses to add the picture of the internal situation of the Duchy, ruined by war, famine, contagious disorders, emigration, to what will this heated declamation against the immensity of this acquisition be reduced?

Let us now consider the question in its bearing on military matters, and let us equally destroy the exaggerations of the Memorandum, which set forth as the inevitable consequence of reuniting a portion of the Duchy of Warsaw, all the political evils which must assail Europe.

In order to give some weight to his remarks in this respect, the author of the Memorandum is obliged to betake himself to a resource which was certainly unexpected. He exhibits Russia as become colossal by the acquisition of Swedish Finland, of a part of Bessarabia, and by the frontier which she has obtained in Persia.

Then, giving to the Duchy of Warsaw an extent altogether new, he exhibits the Russian power as being thereby established in the heart of Germany.

When an argument is pushed to extremes it ceases to persuade; moreover, a few remarks are sufficient to annihilate it. After Russia had acquired Swedish Finland she was the first to labour to obtain an indemnity for Sweden; but the Emperor attached to it the express condition that that Power should accede to the common cause.

His Imperial Majesty thus acquired for himself an useful ally, and at the same time re-established a perfect balance of power on that side. As for the line acquired in Persia, it is one of more easy defence; but notwithstanding this advantage, the security and tranquillity of that part of the frontier require pretty numerous garrisons, which must be renewed every year, in consequence of an unhealthy and destructive climate.

The acquisition of a portion of Bessarabia has likewise afforded a more easy defence by means of some fortresses. In every other respect it is an insignificant advantage after a long and sanguinary war. Consequently, when everything exhibits to the eye of the observer that the Emperor only applies himself to establish a system of defence and not of aggression; when it is remembered that he could only find in the sacrifice of Moscow the means of repelling the last invasion of the Grand League; how is it possible to entertain fresh apprehensions as to his intentions and views?

Let us bring back the question to the Duchy of Warsaw and its fortresses. It is to no purpose that the author of the Memorandum exclaims that by this junction the capitals of Austria and Prussia are menaced without any means of defence; it is to no purpose that he exhibits the animated picture of the enterprises of these unquiet and restless Poles, summoned to rally themselves round the royal standard, renewing the scenes of past times, conspiring against their neighbours, wresting thus from all hearts every hope of tranquillity and happiness for the time to come. It is sufficient to cast a glance on the map in order to acquire a conviction that these dangers are imaginary; that on the side of Austria there are natural defences, on the side of Prussia artificial defences provided by fortresses; that the Duchy, on the contrary, forming an advanced post, would be caught between the armies of Austria and of Prussia, and the operations being continued towards the interior provinces, everything beyond the Bug and the Niemen would be cut off in fact, and would have no other resource than two or three fortresses. Thus in pushing matters to an extremity, the danger would always be greater for Russia than for Austria or Prussia, who would not fail to make common cause.

But let us admit the supposition of an enterprise directed against Vienna, that capital which the Memorandum considers to be principally threatened. From whatsoever quarter the attack was directed, it would present its flank and rear to the outlets of the Carpathian mountains. This chain of mountains is, as regards the Duchy, what the mountains of Bohemia are as regards Saxony. Consequently, two bodies of troops in Transylvania and in Hungary would cut off from its communication any army which should be directed upon Lemberg, or which, from the Palatinate of Cracow, should seek to act upon Moravia. Let us return to the fortresses. Cracow, provided with a bad citadel, can no longer be taken into account, since, in consequence of the loss of its principal suburb, of its circle, and of the right bank of the Vistula, it is impossible to establish a *tête de pont*. There remain Thorn, Modlin, Zamosc; for Sierock is scarcely a fortified place. Prussia retaining Graudenz and Dantzic, it is just that Thorn should remain to the Duchy. If Modlin is in the hands of another Power, the navigation of the Bug, the Narew, &c., is no longer Russia's. If Zamosc is in the hands of Austria, the Palatinate of Lublin is untenable. Nevertheless be it said, it is no military reason which has occasioned such lively clamour; it is the question of the name of the restoration of the Kingdom of Poland.

The author has been careful to produce in this respect the Secret Article of the Treaty of 1797, which stipulates that the three partitioning Courts *should no longer include in their titles the aggregate denomination or designation of the Kingdom of Poland*. In order that this Article should continue binding, it would have been necessary that the matters should remain in the same situation.

But when Austria and Prussia have contributed, as allies of France, to strip Russia of the greatest part of her Polish Provinces; when Russia has been obliged to re-conquer them; when the conquest of the Duchy of Warsaw is now a compensation for enormous sacrifices, it is in effect a question of a new partition, and in that case the stipulations which accompanied that of 1797 have no longer existence.

To be willing in this matter to disregard public law is to seek gratuitously to complicate affairs and to multiply difficulties. Let us suppose the name of the Kingdom of Poland re-established, and a part of the Duchy of Warsaw joined to Russia. Let us admit in this respect the most extended conjectures of the author of the Memorandum, what are the dangers which will result therefrom to Austria and Prussia? None; since the Emperor offers to each of these Powers the most formal guarantee of those parts of Poland which will remain under their rule. None; since as this restoration will be, according to the author of the Memorandum, in opposition to the system of Austria, of Prussia, of France, and of the British Ministry, the slightest attempt would unite all these Powers, to whom Turkey would join herself besides, in opposition to Russia, isolated and abandoned to her own forces alone. This notion is doubtless one of the first of the kind expressed in diplomacy. But it is worthy of the purity of the Emperor's intentions; besides, it is not in a little less or little more of surface, it is not in some strongholds, that the general balance of power consists; it consists in a similarity of interests which have a common tendency in the moment of danger. Nothing proves so much as this remark that if a dissolution of the balance of power is in question, it is certainly not in favour of Russia. Let us further infer that the nationality which is to be restored to the Poles is not dangerous, but that on the contrary it would be the surest means of calming the restlessness with which they are reproached, and of reconciling all interests. The Emperor entertains this conviction, and time and events will prove that it was well founded.

We are ignorant of the opinion which the author, when he has read these passages, will himself entertain of the inconceivable reproach which he has addressed to the Emperor of having taken undue advantage of the language of his Treaties and engagements, to induce Austria and Prussia to unite themselves to the cause of Europe, whilst these two Powers, enfranchised from the yoke of Napoleon, have thereby acquired their ancient force again, a new dignity, a considerable augmentation; and how he will maintain the proposition which he has advanced, that because the Emperor contemplates restoring the title of Kingdom of Poland, the preservation of Europe, and all the advantages acquired by the allies are reduced to nothing.

He concludes by declaring that so long as His Imperial Majesty shall adhere to his project, no plan, no arrangement can be made by the respective Plenipotentiaries, that the Congress cannot be assembled either for discussing or for sanctioning any measure whatever. He adds that it is impossible to suppose that the Plenipotentiaries of Austria and of Prussia will leave the dominions of their Sovereigns without a military frontier; that the Ministers of all the Powers, whom the author represents on this occasion (it is not known by what right), are of the same opinion, and that it will only remain for them to give an account of the motives which have obliged them to separate without having been able to

apply themselves to the beneficent work which was to ensure the future happiness of Europe.

If after having considered the contents of this reply the author conceives himself bound to abide by the same principles, if he is not convinced, if finally he should succeed in causing the dissolution of the Congress for a single point, when so many other more important points remain to be adjusted, the Emperor will not have to reproach himself with this calamity. He will explain to England, to Europe, the nature and the extent of his demands. The people who have beheld him combat for their liberty, who have been witnesses of his moderation, will learn what is the cause which has opposed the general re-establishment of the order, of the happiness, and of the tranquillity for which so much blood has been shed.

As for the Sovereigns, his friends, his allies, his brothers in arms, nothing will ever be able to cool his friendship for them. It is founded upon the most entire esteem and confidence, and all the views of his policy will be constantly regulated by these principles.

Inclosure 3 in No. 5.

Viscount Castlereagh to the Emperor of Russia.

Sire, *Vienna, November* 4, 1814.

I HAVE received the Memorandum your Imperial Majesty has been so gracious as to transmit to me, with a becoming sense of this additional instance of your Imperial Majesty's condescension and personal favour, to which I attach, Sire, the greater value, as I consider it the strongest proof of your Imperial Majesty's desire still to examine with deliberation the public question to which it refers.

Confiding in your Imperial Majesty's favourable interpretation of the part I have taken, it is a great relief to me to have to observe upon a paper which I consider, not as your Imperial Majesty's, but as the argument of the person who is the advocate with your Imperial Majesty of the measures against which I have ventured to reason.

That the judgment of a Sovereign can never be finally concluded, or compromised by any suggestion which may, through his intervention, be brought into discussion, and that the royal ear is to be considered as always open to the influence of argument, is the particular prerogative to which his subjects are naturally most attached, as being in itself the best security for their interests.

In this view, I have again, I trust not improperly, certainly not without all due humility, presumed to submit some remarks upon the paper in question. If they are written in the freedom of discussion, it is only to bring before the tribunal of your judgment, Sire, the principles upon which I dissent from the writer of the Memorandum ; and if any expression of warmth is to be traced in those observations, I entreat your Imperial Majesty will be assured that it has alone been dictated by, I hope, not an illaudable impatience of any statement which would represent me as defective in those sentiments of respectful deference which I owe to your Imperial Majesty.

I am sensible that I am indebted for the indulgence I have presumed to use, altogether to your Imperial Majesty's condescension and liberality. It would be painful to me in the extreme, if you thought, Sire, that I had abused it; but having been encouraged by your Imperial Majesty to submit to you my sentiments on this subject, I feel that I shall best discharge my duty by doing it unreservedly.

I am, &c.

(Signed) CASTLEREAGH.

Inclosure 4 in No. 5.

British Memorandum.

Vienna, November 4, 1814.

HOWEVER painful it may be to protract a discussion on such a subject, it is a public duty not to suffer the Memorandum to which this is an answer to pass without some remarks, not only on account of the importance of the subject-matter to which it immediately relates, but as disclosing maxims of public law perfectly novel in themselves, and subversive of every received principle of confidence and good faith between States.

The writer commences by impeaching the validity of the Treaty of Reichenbach,

which he denies to be now of force to regulate the disposition of the Duchy of Warsaw. He does this on two grounds:—

1st. That this Treaty was "purement éventuel," and that in consequence of the extraordinary successes of the war it ceased to be binding; and 2ndly. That if there were any ground for doubting the soundness of this conclusion, it was removed by the Treaty of the 9th of September, by which the previous Treaty was annulled.

Let us examine under what circumstances, and with what views, these Treaties were made: and ascertain with somewhat more of precision than the writer has manifested, what has occurred to annul their provisions, or to place at the disposal of one of the Contracting Parties, namely, Russia, the rights of the two others, without their express consent.

The Treaty of the 27th of June was the Treaty upon the faith of which Austria, being still at peace with France, bound herself to engage in the war, if her mediation failed to effect a peace upon certain principles agreed upon with the Allies.

In determining thus to hazard her existence in the field, Austria stipulated two conditions, both of local importance to her interests and military security: the one was the recovery of her Illyrian Provinces; the other was that she should receive a proportion of the Duchy of Warsaw, which had in part been constructed of territories but recently wrested from her own dominions.

There is no cavil as to the nature of the engagement itself. There is no allegation that Austria has forfeited her rights under the Treaty by any breach of its conditions, either as a mediator or as an ally. There is no suggestion that Austria has, by any act or consent on her part, released her ally from the obligations of this covenant, or agreed to accept an equivalent. On the contrary, it is matter of notoriety that the equitable partition of the Duchy has never ceased, throughout the whole period of the alliance, to be a matter of anxious and earnest discussion with her ally, as immediately affecting the security of her frontier. What has, then, deprived Austria of her rights to this specific object? It is said the Treaty was "éventuel,"—eventual upon what? Not upon Austria fulfilling her engagements with good faith; not upon there being the means of giving what was promised; but "éventuel," upon this extraordinary principle, that there being more than ample means to satisfy the Treaty, a new right accrued to Russia, another party to the Treaty, to decide according to her pleasure whether Austria should obtain the object stipulated, or accept, in lieu of it, what Russia deems an equivalent, at the opposite extremity of her dominions.

It is a new position in public law, that the obligations of a Treaty shall be equally dissolved and defeated by success and by failure. If Buonaparte had triumphed, the Emperor of Austria would have lost his Polish frontiers, and probably his crown.

The Allies prevailed; and he is equally doomed to lose his Polish frontier. On what security will Treaties rest, if they can thus be constructively annulled?

But it is said that His Imperial Majesty the Emperor of Austria has received a full compensation in other quarters.

This is not the question under the Treaty. The question is,—Did the Emperor of Austria, upon due and fair notice, consent to receive it as such? Did he consent, in consideration of an extension of his former possessions in Italy, from the Adige to the Ticino, to relinquish his right under the Treaty of Reichenbach to be protected on the side of Poland? Did the several Powers who were parties to the Peace of Paris, when assigning the Po as the Austrian boundary in Italy, suppose they were sanctioning an extension of territory on the side of Italy, in exchange for a military barrier between Russia and Austria on the side of Poland?

Can it be supposed that the British Government was a deliberate party to such a principle? Or that Great Britain, in the honest execution of her avowed system of laying down her conquests for the sake of restoring to the Continent independence and repose, could have either been expected or desired to do so, for the purpose of inverting, and not of restoring, the deranged balance of Europe? If not, the Treaty of Reichenbach is in full force, and it is under the obligations and in the spirit of that Treaty the parties are yet to adjust by negotiation their pretensions. The same reasoning applies to Prussia.

But it is alleged in the Memorandum, that, admitting the rights as contended for under the Treaty of June, these rights were extinguished in the Treaty of Töplitz; that a new disposition was then made, and that the claims of Austria and Prussia upon the Duchy were no longer the same. If it is contended that they rested from that period on a footing less favourable to those Powers, what is the ground for such an assumption? Can it be argued from the then state of the campaign as rational or possible to suppose that Austria would have signed a new Treaty, gratuitously surrendering in September pretensions to which she had in June, for obvious reasons, attached the first importance?

The allied armies, previous to the 9th of September, on which day this instrument bears date, had obtained important successes before Berlin, in Silesia, and at Culm; but they were still confined within the defiles of Bohemia, Buonaparte was in force at Dresden and on the line of the Elbe, and the fate of the campaign was in suspense. On the side of Italy, General Nugent's first occupation of Trieste did not take place till the 12th of the same month.

If there was no credible motive on the part of Austria for then making such a surrender, it cannot surely be inferred from the mere change in the wording of the Article. It will not be contended that "un arrangement à l'amiable entre les trois Cours de Russie, d'Autriche, et de Prusse, sur le sort futur du Duché de Varsovie," can entitle Russia to exclude Austria from the equitable share the Treaty of June gave her under the express word "partage," or that it can enable Russia to dispose politically of the Duchy, without an arrangement to be made in concert with the other allied Courts. The obvious meaning and history of that Treaty establishes conclusively an opposite inference. The Treaty of September was not intended to annul or to alter the Treaty of June in any of its essential features, but, on the contrary, to confirm and extend its provisions. The Treaty of June had fixed the offensive arrangements of the allied Courts, in the event of the mediation terminating in a war. The Treaty of September re-affirmed these, and added to them defensive engagements, with specific stipulated succours regularly assigned to be furnished by each Power. The Treaty of June, in Article VI, covenanted to give effect, in case of war, by positive stipulation, to the Russian and Prussian notes of 16th May. The Treaty of September carried these notes into effect, covenanting the reconstruction of the Austrian and Prussian Monarchies "sur l'échelle la plus rapprochée de celle où elles se trouvaient en 1805." If the Article stopped here, there would have been no solid ground to contend that in the event of complete success and more than ample means being acquired for satisfying the Treaty, the choice and allocation of those means were at the arbitrary discretion of the third Power; but as if to mark the reverse, and to evince the unremitting interest attached to the fate of the Duchy of Warsaw, this was again brought forward as a special object, and the co-ordinate rights of the Three Powers to arrange as to its final disposal were again solemnly recognized by Treaty.

Where, then, is there to be found, either upon the face of the Treaties themselves, or in any writer upon the Law of Nations, a pretence, much less a justification, for the dispensing power (which the writer of the Memorandum attributes to a single Power), in the event of success, to substitute other arrangements in the room of those covenanted by Treaties, and obviously, on military grounds, the most important to the two weaker Powers.

When the argument of frontier is urged, it is met in two ways. Sometimes it is denied that the position of the Duchy in the hands of Russia is menacing to the other Powers; at other times, that His Imperial Majesty's known moderation and friendship for his allies renders such a consideration unimportant.

Upon the first point it will be difficult to persuade Europe that, incorporating into the contiguous mass of the Russian dominions nearly the whole of those military positions which Buonaparte studiously severed from the neighbouring States, as the instrument by which, remote from the mass of his own immediate resources, he was to hold both Prussia and Austria in check, can be wholly inoperative for such a purpose.

If these Powers are to be really independent and not exposed to an influence which, if not in degree so overwhelming as that which connected the Kingdom of Italy and the Confederation of the Rhine with the French Empire, is nevertheless in itself a just object of European jealousy and alarm, the claim to have an adequate frontier assigned to them is surely irresistible, and cannot be reasonably combated, either by what may be offered to them elsewhere, or by any pressing necessity that Russia can feel, upon a defensive principle, to possess herself of the whole of the Duchy in a military point of view.

The argument drawn from the Emperor's personal character is not less exceptionable. Whatever may be the virtues of the Monarch, it is not upon personal confidence, or upon the life of an individual, that the liberties and security of States should be built. Such an homage it would be as inconsistent for His Imperial Majesty to receive as for the Sovereign of another State to pay. Concerns of vital importance, such as these, must be adjusted upon other and more solid grounds.

Neither can it be expected that the alarms of a Polish Monarchy under a Russian dynasty can be at once allayed in the adjacent States, either by personal confidence or even by the proposed guarantee.

The writer of the memoir has informed us, when arguing on the Article of 1797, that with the first war, or even what he calls a change of circumstances, the guarantee, however solemn, is dissolved; his series of reasoning is, that war cancels the guarantee,

that successful war justifies demands for additional compensation and a new partition, consequently further incorporation into the new monarchy, under the Russian sceptre, of the adjacent Polish Provinces, thus supposed to be secured by a guarantee to Prussia and Austria.

The complacency with which this progress is contemplated, and the facility with which the pretensions of neighbouring Powers are to be satisfied, by extending the partitioning principle beyond the pale of Poland, to other parts of Europe, are certainly not calculated, should such an authority be unfortunately listened to, to dissipate apprehensions as to the future.

But it is alleged, that admitting the Treaties to be still binding, the arrangements intended by Russia with respect to the Duchy of Warsaw will amply and liberally fulfil their stipulations.

What these arrangements are is not specified, but a general description is given of them, founded upon a statistical evaluation of the extent and population of the Duchy of Warsaw, which assigns to it nearly 1,100,000 souls less than is attributed to it in the reports of best authority.

The annexed official Tables will serve to illustrate the specimen given to us of the writer's accuracy, both as to population and revenue.

The arrangement proposed for Prussia, it appears, is of a substantive character. Whether sufficient in amount, or upon military principles, can only be judged of upon a more precise specification; but that it should have occurred to the writer to produce the rayon of Cracow, and the half of the "salines" of Wieliczka, as a satisfaction " à l'amiable " of the Treaty either of June or September, supposing them different instead of concurring instruments, is such a condescension in statement as has never before been put forward in justification of any measure.

What? That the Emperor of Austria, having expressly, studiously, and repeatedly stipulated for a concurrent voice as to the future fate of the Duchy of Warsaw, and having repeatedly urged his claims to a participation, with a view to the military security of his dominions, rather than to their territorial extension, should be expected to receive in full satisfaction of his rights six square leagues of territory, with a population of 15,654 souls, not affording, in point of extent or position, the slightest cover to his frontier, can never surely be brought forward as a serious or substantial execution of such an engagement. The substitution of 3,000,000 of florins as the Polish half of the revenues of the "salines," instead of 300,000, is another proof with what caution the calculations, as well as the counsels, of the writer of the Memorandum should be received by the Emperor of Russia, when he shall come to decide what, in generosity as well as in justice, he owes to those allies with whom he has shared the hazards of war, and with whom he must desire to preserve the closest connection.

It would be endless to trace the successive misrepresentations of the paper in which this writer attempts to give an answer, which abound in every page of his Memorandum, or to protest sufficiently against its studied purpose to cover defect of argument by an attempt to represent a frank and respectful discussion of important measures of State as an insinuation against the sacred person of his Sovereign. Such practices can never succeed to effect their purpose with the high personage to whom they have been directed, whose noblest profession has always been to wish to hear the truth; nor can it divert those whom it is meant to embarrass, from an unreserved but decorous discharge of a public duty. With this avowal it will be sufficient to touch upon a few leading instances.

He represents the appeal made to the Emperor's justice and moderation founded, upon the alleged sense of Europe, as a menace and an appeal to arms.

The writer well knew that the question between the Allies has never in the most remote degree been reasoned upon an hostile or military principle, but avowedly the contrary; and he also knew that if there was a Power in Europe peculiarly interested in preserving both the peace and the alliance, and which could have no possible interest in the question other than what it derived through the public good, it was that Power on which he has thought fit to reflect; but if he meant to discountenance menace instead of to sow discord, he might have spared his comparison of the power of Russia with other the greatest States of the Continent combined. His modesty as to the ability of Russia to sustain such a shock as nothing but the fatal revival of a system similar to that which has been so lately overthrown can ever bring upon her, will go but a little way in establishing that the adjacent Powers can live in security or in peace, in the presence of such a military power, when stripped of their frontiers; nor will Europe feel satisfied with that equilibrium for its daily protection, which is stated to require its whole military power to be displaced and put in motion upon every aberration of a particular State from the

line of its duty. Is this the species of equilibrium that the author deems it prudent to demand for his master from Europe assembled in Congress?

His charge of exaggeration in the statements of the writer, and particularly in the picture given of the recent acquisitions of Russia, is not less indiscreet. They were not invidiously brought forward—they were, on the contrary, treated with studied moderation; but when he brings these successive acquisitions into view (constituting more than a powerful kingdom in amount), as mere defensive precautions, he ought to have foreseen the inference that Russia, thus relieved from disquietude on all her hitherto vulnerable frontiers, is not only upon the point of establishing herself in advance of the Vistula, but that she has thus rendered disposable nearly the whole of her military power, and that she can now pour upon the Oder and the Danube, at her pleasure, those armies which before were either comparatively ineffective, or spread over the extent of an exposed frontier.

If Russia has sought for a frontier against Turks and Persians, can she complain if Prussians and Austrians should seek for frontiers against Russian troops, especially if Russia is hereafter to wield a Polish national army as a new and most formidable instrument of war? The picture is not exaggerated; and if the Emperor of Russia desires to cultivate peace, and to make Europe love rather than fear him, it would have become the writer to counsel him to soften, by his present arrangements, and not to aggravate, the features that belong to it.

To resume:—It is established that the Treaties of Reichenbach and Töplitz are concurrent engagements, and at this day in full force;

That Russia has no right to annul or alter their stipulations, or to substitute one object for another, in satisfaction of the claims thereby established, except upon a distinct consent previously obtained from the other Contracting Parties;

That although the war has furnished ample means of fulfilling the just claims of the Allies, success cannot alter the rights of the parties, however it may, upon a liberal and generous principle of negotiation with each other, afford new and important facilities in their adjustment;

That the extent of success does not, however, release any or all of the parties from the duty which they owe to Europe—not to aggrandize themselves unduly, either to the subversion of its just equilibrium, or to the unnecessary prejudice of its weaker States.

The principle so universally contended for by the writer, of territorial compensation for expenses incurred in war, unless qualified in the strictest sense by its bearing upon the general system of Europe, cannot be too strongly condemned.

The great Military Powers of the Continent who have triumphed in the war—and especially Russia, to whose security acquisition can be least of all necessary—should recollect that they avowedly fought for their own liberties and for those of the rest of Europe, and not for the extension of their dominions. That it is false, as an universal principle, that nations have a right in all cases to claim additional territories in compensation for expenses incurred in war, and much less under circumstances that tend to expose the military security of neighbouring and allied States.

The peace of the world cannot co-exist with such a doctrine. Besides, accession of territory, although it may satisfy national ambition, seldom fails to bring with it burdens and discontents fully equivalent to its resources. With these principles in view, if the Allied Powers act liberally towards each other, and indulgently to other States, they may look forward to crown a glorious war by a solid and lasting peace; and posterity will revere their names, not only for having delivered by their arms the world from a tyrant and conqueror, but for having restored, by their example and by their influence, the reign of moderation and justice.

Inclosure 5 in No. 5.

TABLEAU des Possessions de la Russie en Pologne.

	Population.
La Russie possède de l'Ancienne Pologne—	
Les Gouvernements de Mohilow	795,000
„ Witepsk	745,000
„ Minsk	890,000
„ Wilna	816,000
„ Grodno	546,000
„ Volhynie	1,158,000
„ Podolie	1,197,000
„ La Courlande	405,000
Par le Traité de Tilsit une partie du Cercle de Bialystock	162,000
Par le Traité de Vienne en 1809, dans la Gallicie Orientale	400,000
Total de ses Possessions actuelles	7,114,000

Elle réclame de plus la plus grande partie du Duché de Varsovie, dont la population monte à		4,334,600
Ce qui porterait les acquisitions de la Russie en Pologne, depuis 1772 (moyennant ce qui serait donné à la Russie ou à l'Autriche), à		11,448,600
La Prusse ne possédait en Pologne après la Paix de Tilsit, que—		
1. Dans la Prusse Occidentale	376,089	
2. Dans la Lithuanie	365,851	
		741,940
L'Autriche, après la Paix de Vienne, 1809, dans la Gallicie Orientale ..		2,962,400
Tous les Etats Polonais comprennent par conséquent aujourd'hui une population de		15,152,940

Inclosure 6 in No. 5.

Tableau Officiel des Pertes de l'Autriche en Pologne.

	Lieues carrés 15 au Degré.	Population.
A. La Gallicie Occidentale..	866	1,202,265
B. Dans la Gallicie Orientale—		
1. Le cercle de Zamosk	94	185,980
2. Les districts cédés par l'Autriche à la Russie, 1809, dans les cercles de Zlockzow, Brzezan, Tarnopol, et Zaluzezyk	106	400,000
3. Rayon sur la rive droite de la Vistule, servant d'arrondissement à Cracovie	5½	13,783
4. Partie dans les Salines de Wieliczka	¾	1,871
Total	1,072¼	1,803,899

N.B.—Suivant l'Article III du Traité de Vienne du 14 Octobre, 1809, le territoire et les revenus des Salines de Wieliczka appartenaient en commun à Sa Majesté l'Empereur d'Autriche, et au Roi de Saxe en sa qualité de Duc de Varsovie. La quotepart de l'Autriche dans les revenus des dites Salines monte à peu près à 300,000 florins (profit net).

No. 6.

Viscount Castlereagh to the Earl of Liverpool.—(Received November 24.)

(Extract.) *Vienna, November 11, 1814.*

I REPORTED to your Lordship in my despatch of the 24th ultimo the result of the confidential interview that took place at my house between the Austrian and Prussian Secretaries of State.

On the following day, and before the Emperor of Russia's departure for Buda, Prince Metternich had a interview with him, which led to a discussion of much warmth, especially on the part of His Imperial Majesty.

Upon the return of the Emperor of Austria to Vienna, Prince Metternich received His Imperial Majesty's directions to transmit the note of which the inclosed is a copy, to Prince Hardenberg, as the basis of the intended negotiation with the Emperor of Russia. Your Lordship will observe that, in the third alternative, the Austrian Minister proposes to release Russia from all restraint as to the erection of her Polish dominions into a Monarchy (which would then contain nearly 10,000,000 of people) under the Russian sceptre, provided the two other Powers received the Vistula as their frontier.

The prospect of reconciling their differences on German affairs was no sooner opened, than both Austria and Prussia resumed their former earnestness on this point, which was much augmented by a variety of collateral indications of the intriguing spirit which actuated the Russian Councils in other quarters.

I deemed it of great importance to contribute as far as depended upon me to this concert, considering the establishment of Russia in the heart of Germany not only as constituting a great danger in itself, but as calculated to establish a most pernicious influence both in the Austrian and Prussian Cabinets; and I also foresaw that if these two Powers, from distrust of each other, gave up the Polish point as desperate, the contest in negotiation would then turn upon Saxony, Mayence, and other German points, and through these contentions of Austria and Prussia the supremacy of Russia would be established in all directions, and upon every question; whereas an understanding previously established on German affairs gave some chance of ameliorating the Polish arrangement.

and, in case of its failure, afforded the best, if not the only means of counteracting the Russian influence in the other European arrangements, to the tendency of which it was impossible not to look with alarm, whilst she kept an army of 60,000 men under Bennigsen upon the Elbe, still treating Holstein, without a pretence for doing so, almost as an enemy's country.

I was of opinion that every consideration of policy combined to make it our particular interest, as well as duty, to promote the concert in question; and, for the reasons I have stated, I trust your Lordship will see that to have been indifferent to the Polish question would have augmented, instead of diminished, our own immediate difficulties. On the contrary, it appeared to me that it was better for Great Britain, in order to secure her own objects, to contend for an European question of great magnitude in the true spirit of the policy that has marked her conduct throughout the war, than to seem indifferent to that policy, and to reserve herself for an object, viz., the Low Countries, which is regarded on the Continent as particularly connected with her own power, and which, as I have observed above, might have been exposed to a very unpleasant question, under a disunion between the great German Powers.

I have certainly been led, from circumstances, to take a more active share in the discussion on this question than I should have permitted myself to do, if it had been any part of my policy to push the Polish point to a hostile issue. In preparing for so serious an alternative, I should have felt the propriety, as a British Minister, of preserving a greater degree of reserve; it being the province of Great Britain to support, rather than lead, in such occasions. But in proportion as I felt that an effort ought to be made successively by conciliation, by moderation, by persuasion, by pressure of argument, and ultimately if necesssary by an imposing negotiation, uniting the general sentiments of Europe upon sound and popular grounds, and not by arms, I felt the less precluded from taking a forward part. Some advantages perhaps have resulted from my being the person to do so, as the same arguments, had they been urged by the parties most interested, might have rendered accommodation more difficult. Such are the principles upon which my conduct has hitherto been founded. It will be highly gratifying to me should they be honoured with the Prince Regent's gracious approbation, and with the concurrence of my colleagues in the Government. Since I have been on the Continent, in my intercourse with the several Cabinets, I have conceived it my duty to keep in view the following principles, considering them as those on which it was the intention of His Royal Highness' Government that I should act. In the first place, so to conduct the arrangements to be framed for Congress as to make the establishment of a just equilibrium in Europe the first object of my attention, and to consider the assertion of minor points of interest as subordinate to this great end. Secondly, to use my best endeavours to support the Powers who had contributed to save Europe by their exertions, in their just pretensions to be liberally re-established upon the scale to which their Treaties entitled them to lay claim, and not to be deterred from doing so by the necessity of adopting, for this end, measures which, although not unjust, are nevertheless painful and unpopular in themselves. And thirdly, to endeavour to combine this latter duty to our friends and allies with as much mildness and indulgence, even to the offending States, as circumstances would permit.

I have pursued these views, with a fixed and anxious purpose, if possible, not to suffer the peace of Europe to be disturbed, even upon just grounds, if by any compromise or even reasonable sacrifice it could be avoided. If, in discharge of this duty, I have felt myself obliged strongly to remonstrate against the principles and temper disclosed by the Russian Councils, I hope I have maintained honest principles, and I am confident that the relations between the two Governments would not have been improved by a more pliant tone on my part, opposed to that in which the Emperor has of late been disposed to dictate.

Your Lordship may rest assured that no effort on my part shall be omitted to prevent disunion, and still more war; but I am confident I speak the universal sentiment, when I declare my perfect conviction that unless the Emperor of Russia can be brought to a more moderate and sound course of public conduct, the peace which we have so dearly purchased will be but of short duration.

P.S.—In reply to that part of the Emperor of Russia's statement which deprecates Austria as having received more than she was entitled to under Treaty, I inclose a statement received from Prince Metternich, by which it appears that inclusive of the Pays de Salzburg, the circle of the Inn and of the Hunsruck, the restitution of which is contingent upon arrangements with Bavaria, Austria is yet somewhat below the standard to which she is entitled to aspire.

Inclosure 1 in No. 6.

Prince Metternich to Prince Hardenberg.

Vienne, le 2 Novembre, 1814.

C'EST d'ordre de Sa Majesté Impériale et Royale Apostolique que le Soussigné, Ministre d'Etat et des Affaires Etrangères, a l'honneur d'adresser à Son Altesse M. le Prince de Hardenberg, Chancelier d'Etat de Sa Majesté Prussienne, le présent office.

Le Ministère Prussienne n'ignore pas combien les vues de la Cour de Russie à l'égard du Duché de Varsovie, entièrement contraires au sens des Traités qui ont uni les Souverains Alliés contre la France, ont mis d'obstacles, tant à l'arrangement des intérêts des Puissances entre elles, qu'à la marche du Congrès assemblé dans ce moment pour déterminer le nouvel ordre politique de l'Europe, et fixer un état de paix et de tranquillité durable.

La Convention signée à Reichenbach, le 27 Juin, 1813, entre les Cours d'Autriche, de Prusse, et de Russie, stipule, à l'Article II, "la dissolution du Duché de Varsovie, et le partage des provinces qui le forment, entre les Cours d'Autriche, de Prusse, et de Russie, d'après des arrangements à prendre par ces trois Puissances." Cet engagement a été renouvellé dans les Traités d'Amitié et d'Alliance signé par l'Autriche à Töplitz, le 9 Septembre, 1813, avec les Cours de Berlin et de St. Pétersbourg, qui portent au 4me section de l'Article I Séparé et Sécret "un arrangement à l'amiable entre les trois Cours d'Autriche, de Prusse, et de Russie, sur le sort futur du Duché de Varsovie."

L'Empereur, invoquant la lettre et le sens le plus clair des engagements réciproques, croit donner une preuve aussi convainquante de son respect pour la foi de Traités, qu'il mettra hors de doute la modération de ses demandes dans les négociations qu'il désire ouvrir à l'égard du partage du Duché de Varsovie; et Sa Majesté Impériale croirait violer des engagements qu'elle ne regarde pas seulement sous le point de vue de son intérêt particulier, mais comme les garants de l'équilibre de l'Europe, elle croirait manquer à ce qu'elle doit au bonheur et au repos de ses peuples, en ne pas insistant, de la manière la plus prononcée, sur l'exécution des Traités, qui doivent lui assurer, non moins qu'à la Prusse, une frontière militaire nécessaire à la sûreté et à la tranquillité des deux Monarchies.

Elle s'adresse à la loyauté et à l'amitié de Sa Majesté Prussienne, comme signataire de ces Traités, pour faire valoir auprès de Sa Majesté l'Empereur de toutes les Russies des réclamations et des droits qui leur sont communs. Elle ne désire pas moins que les prétentions légitimes de la Russie soient satisfaites; et elle portera, dans les négociations qui seront entamées à cet effet entre les trois Cours, avec l'amitié et la confiance conformes tant aux stipulations des Traités qu'aux rapports personnels des augustes Souverains, toute la sincérité et l'esprit de conciliation qui la caractérisent.

Le Soussigné, en invitant M. le Prince de Hardenberg à répondre à l'ouverture qu'il a l'honneur de lui adresser, dans le plus court délai possible, désire entrer avec son Altesse dans les explications les plus franches sur l'objet de leur commune sollicitude, et à concerter avec elle les démarches à faire auprès de la Cour de Russie pour arriver promptement à un résultat satisfaisant pour toutes les parties intéressées.

Pour faciliter et accélérer la marche de la négociation, le Soussigné a l'honneur de proposer à son Altesse M. le Prince de Hardenberg d'inviter Milord Castlereagh à porter la parole, au nom des deux Cours, auprès de Sa Majesté l'Empereur de toutes les Russies, et il croit non moins avancer la négociation même que donner une preuve de la franchise de la conduite de sa Cour en joignant au présent office une note contenant les propositions que le Secrétaire d'Etat de Sa Majesté Britannique pourrait être chargé de faire au nom des deux Cours. Il pourrait se trouver autorisé à écouter et à transmettre à nos deux Cabinets la contre-proposition de Sa Majesté Impériale de toutes les Russies.

Le Soussigné aura l'honneur de se concerter avec M. le Prince de Hardenberg sur les termes de l'office à adresser conjointement par eux à Milord Castlereagh dès qu'il connaîtra les déterminations du Cabinet Prussien.

Il s'empresse, &c.
(Signé) LE PRINCE METTERNICH.

Inclosure 2 in No. 6.

Memorandum by Prince Metternich.

1. ANIMEE des principes les plus libéraux et les plus conformes à l'établissement d'un système d'équilibre en Europe, et opposée depuis 1772 à tous les projets de partage de

la Pologne, l'Autriche est prête à consentir au rétablissement de ce Royaume, libre et indépendant de toute influence étrangère, sur l'échelle de sa dimension avant le premier partage, en réservant aux Puissances voisines le réglement des frontières respectives sur le principe d'une mutuelle convenance.

2. Admettant le peu de probabilité que pareil projet puisse même être pris en considération par la Cour de Russie, l'Autriche accéderait également au rétablissement de la Pologne libre et indépendante dans les dimensions de l'année 1791, sauf la réserve énoncée dans la proposition première.

L'Autriche se prêterait dans ce cas à reconnaître des aggrandissements que la Russie et la Prusse croirait devoir se réserver sur le nouveau Royaume, et qui ne seraient pas incompatibles avec son existence comme corps politique indépendant.

3. Dans la supposition que l'Empereur de Russie regardât cette seconde proposition également comme inadmissible, l'Autriche est prête à reconnaître l'extension de la frontière Russe jusqu'à la rive droite de la Vistule, le cours de ce fleuve devant rester libre et appartenir aux débouchés communs des riverains. La Russie garderait sur la rive gauche de la Vistule la ville de Varsovie avec un rayon, tandis qu'elle céderait à la Prusse la ville de Thorn sur la rive droite du fleuve.

L'Autriche, loin de viser jamais à s'immiscer dans des objets d'administration intérieure de ses voisins, abandonnerait à Sa Majesté Impériale de toutes les Russies le soin de donner à ses provinces Polonaises telle forme d'administration qu'elle jugerait utile et convenable. Elle ne s'opposerait même pas à ce que l'Empereur donnât à ses nouvelles acquisitions territoriales, isolément ou cumulativement avec ses autres provinces Polonaises, la dénomination de "Royaume de Pologne du Nord ou de l'Est;" Sa Majesté Impériale et Royale Apostolique se réservant dans ce cas la faculté de réunir ses provinces Polonaises sous la dénomination de "Royaume de Pologne du Sud," sous telle forme administrative qu'elle trouverait également utile et convenable. La même faculté devrait être réservée à Sa Majesté Prussienne.

No. 7.

Viscount Castlereagh to the Earl of Liverpool.—(Received December 3.)

(Extract.) *Vienna, November 21, 1814.*

UNDER these circumstances, which indicated a considerable degree of divergence in the sentiments of the two Courts, I thought it expedient to decline being the bearer of any proposition they might have to address to Russia, as my late correspondence with the Emperor had rendered my intervention less conciliatory than the nature of their negotiation might require. I took this opportunity to repeat to both Ministers, what I had before, on more than one occasion, expressed,—that I trusted they would not infer from the zeal which I had shown to support what I had understood to be their wishes, that Great Britain had any separate policy of her own to pursue with respect to Poland or any wish to excite them to any measures which did not originate, on their part, in a sense of their necessity. That the British Government felt desirous of contributing as far as could reasonably be expected from them, to re-establish that permanent peace and equilibrium on the Continent for which the British nation had made such immense sacrifices, and which was the declared object of the alliance; but that having honourably performed their part, their duty led them to leave the decision with the Powers more locally interested than Great Britain could consider herself to be, in the Polish arrangements.

No. 8.

Extract from Confidential Memorandum communicated by Prince Hardenberg to Viscount Castlereagh.

LA longue conversation que j'ai eue en présence du Roi avec l'Empereur de Russie n'a guères produit plus d'effet que celle de Lord Castlereagh et du Prince de Metternich, quoique je n'aie omis aucun des arguments qui nous sont connus et que je n'ai pas besoin de répéter ici. Sa Majesté Impériale persiste à se plaindre de ce qu'on s'obstine à mettre obstacle à ses plans, tandis que les grands services qu'elle a rendus à la cause commune avaient si efficacement contribué à faire rentrer non seulement l'Autriche, la Prusse, et tant d'autres Princes dans leurs anciens Etats, mais même avaient procuré à plusieurs d'entr'eux, et particulièrement à l'Autriche, des aggrandissements importants et considér-

ables. Sa Majesté ajouta que, se croyant en droit d'en demander pour elle-même, elle se bornait à une mesure qui assurait le repos de l'Europe, en tranquillisant enfin une nation mécontente et inquiète, et en la mettant sous la direction d'un Cabinet qui saurait la contenir ; que ses alliés, loin de l'envisager comme dangereuse, devraient au contraire la soutenir et la favoriser, d'autant plus qu'en resserrant les liens de l'alliance de Chaumont, l'Empereur était prêt à leur donner toutes les garanties imaginables, et particulièrement pour leurs parts à l'ancienne Pologne ; qu'il ajouterait au nouveau Royaume toutes les provinces Russes autrefois Polonaises ; qu'il lui donnerait une Constitution qui le séparerait de la Russie et retirerait toutes les troupes Russes, sans exception, derrière les limites de ce nouveau Royaume ; qu'enfin l'objet sur lequel on disputait, nécessaire à l'égard de l'opinion pour le but qu'il se proposait, était trop peu considérable pour que l'on dût y attacher tant de prix de la part des alliés, et le lui refuser.

Mes représentations sur la ligne offensive que donneraient à la Pologne la possession de Thorn, Kalisch, Czenstochau, et Cracovie, n'effectuèrent que l'autorisation de l'Empereur de déclarer que jamais il ne fortifierait cet dernier village, ni en ferait une place d'armes, et qu'il en prendrait l'engagement le plus positif. Notre entretien finit par les instances les plus vives de ma part de se prêter à quelque biais conciliatoire, auxquelles j'ajoutai que selon moi on s'arrangerait sur la question politique, pourvu que l'Empereur cédât quelque chose sur celle des frontières.

Le lendemain de cette conversation, la seconde lettre et le second mémoire de Lord Castlereagh parvinrent à Sa Majesté Impériale par le Général Lord Stewart. On en ignore encore les effets, mais d'après des notions que je crois sûres, même le Prince Czartorisky travaille maintenant à ce que l'Empereur s'arrange sur les limites. Il faudra, à mon avis, mettre tout en œuvre pour parvenir à un arrangement convenable à cet égard, et je ne négligerai certainement rien de ce qui pourra nous y conduire ; mais plus j'y pense et plus je suis du sentiment que de notre côté nous devons céder sur la question politique, parceque j'y vois beaucoup plus de profit que de danger pour le repos de l'Europe en général, et pour les voisins de la Russie en particulier. Je vois la force et la puissance de celle-ci plûtôt affaiblie qu'augmentée par ce nouveau Royaume de Pologne, sous le sceptre du même Souverain. La Russie proprement dite perd des provinces très considérables et fertiles. Combinées avec le Duché de Varsovie, elles auront une constitution tout à fait différente, et beaucoup plus libérale que celle de l'Empire. Les Polonais jouiront de privilèges que les Russes n'ont point. Bientôt l'esprit des deux nations sera tout-à-fait en opposition, leurs jalousies empêcheront l'unité, des embarras de tout genre naîtront, et un Empereur de Russie, en même tems Roi de Pologne, sera moins redoutable qu'un Souverain de l'Empire Russe, réunissant à celui-ci la plus grande partie de ce pays qu'on ne lui dispute pas, comme province. Je ne crains nullement que les sujets anciennement Polonais de l'Autriche et de la Prusse, tendant sans cesse à se joindre à leurs compatriotes, donnent lieu à des troubles. Une administration sage et paternelle obviéra facilement à toutes les appréhensions de cette nature. En un mot, la conviction la plus intime s'est formée dans mon esprit, qu'en voulant empêcher l'Empereur de rétablir un Royaume de Pologne sous son sceptre, nous travaillons contre notre propre intérêt, tant par les raisons que je viens d'exposer que parceque nous nous ôtons le meilleur moyen de négocier sur les frontières. J'avoue aussi, qu'en réfléchissant à l'idée d'établir trois Royaumes de Pologne, j'y vois de grands inconvénients sans aucun profit réel. Ne serait-ce pas par là que nous nourririons cette tendance de se réunir qu'on appréhende, et que nous établirions ce que nous voulons détruire. Du reste, la partie Prussienne surtout, quelles que soient les concessions qu'on réussirait encore à obtenir de l'Empereur Alexandre, serait toujours trop peu considérable pour pouvoir porter le nom d'un Royaume.

Décidons-nous donc à déclarer sans détour à l'Empereur, qu'en renonçant à l'Article Secret du $\frac{26}{15}$ Janvier, 1797, nous consentirons au rétablissement d'un Royaume de Pologne, séparé de l'Empire de Russie, auquel il joindrait toutes les provinces Russes, ci-devant Polonaises, et donnerait une constitution à part, pourvu qu'il veuille se prêter à un arrangement territorial qui puisse nous contenter, et qu'il nous garantisse nos Etats Polonais. Je ne pousserais pas nos prétentions à l'égard du territoire au délà de ce que nous avons déjà prononcé antérieurement. L'Autriche a plusieurs fois déclaré qu'elle se contenterait de Cracovie avec le pays jusqu'à la Nida, et du Cercle de Zamosc, sur lequel elle n'a pas même insisté avec la même force ; la Prusse a demandé Thorn, et la ligne de la Wartha. Exiger maintenant la ligne de la Vistule, et ne vouloir céder que Varsovie avec un rayon sur la rive gauche, me paraît ne pouvoir qu'aigrir davantage et nous éloigner de notre but. Je n'ignore pas que la frontière de la Vistule et du Narew serait celle qui nous donnerait les meilleures suretés, mais je crois tout à fait impossible de l'obtenir, d'autant plus que nous ne l'avons jamais demandée, et qu'en la proposant maintenant, comme une condition de notre consentiment au rétablissement d'un Royaume de Pologne, nous

détruirions le but de l'Empereur en rétranchant de ce royaume une partie aussi considérable et aussi essentielle.

Vienne, le 7 Novembre, 1814.

Inclosure in No. 8.

Prince Metternich to Prince Hardenberg.

(Extrait.) *Vienne, le* 12 *Novembre*, 1814.

NOUS partageons l'opinion de votre Altesse, qu'en suite des démarches directes qui ont eu lieu de la part de Lord Castlereagh vis-à-vis de l'Empereur Alexandre, le Cabinet Britannique nous servira dorénavant plus utilement comme point d'appui que comme médiateur.

A juger de l'ouverture confidentielle de votre Altesse, il paraîtrait que l'Empereur de Russie ne serait pas éloigné d'admettre des modifications aux plans qu'il a énoncés en dernier lieu vis-à-vis de plusieurs personnes, et envers moi en particulier, comme des déterminations qui n'offraient point de retour. L'Empereur mon maître vous avait fait proposer d'autoriser Milord Castlereagh à écouter les propositions que l'Empereur Alexandre lui ferait, dans le cas qu'il eût rejeté nos trois alternatives, les seules propositions que nous avions jugé, conjointement avec le Ministre Britannique, pouvoir être faites par les Cabinets réunis. Si nous ne faisons plus passer nos propositions par le même intermédiaire, l'Empereur n'a cependant point changé d'opinion sur le fond des questions, décidé à ne pas mettre en avant, même seul, d'autres propositions que celles renfermées dans ma dernière lettre à votre Altesse. Il n'écoutera pas moins celles que ferait la Russie. Sa Majesté Impériale désire que ce soit le Cabinet Prussien qui, dans la position actuelle des choses, se charge de tirer au clair des questions d'une aussi haute importance, et elle vous saura beaucoup de gré, mon Prince, si vous voulez la mettre le plus tôt possible à même de connaître les intentions finales de l'Empereur Alexandre :—

1. Sur les frontières qu'il vise à donner à ses acquisitions territoriales dans le Duché de Varsovie, &c.

2. Sur la nature et l'étendue des engagements politiques et militaires qu'il serait prêt à prendre pour restreindre l'influence de la Russie sur un Royaume de Pologne réuni constitutionnellement sous un même sceptre.

3. Sur les garanties qu'il s'engagerait à nous donner sous le point de vue de la sureté de l'état de possession de nos provinces ci-devant Polonaises.

No. 9.

Viscount Castlereagh to the Earl of Liverpool.—(*Received December* 3.)

My Lord, *Vienna, November* 21, 1814.

I THIS evening received the inclosed note, with a Memoir in reply to mine of the 4th instant, from the Emperor of Russia.

I trust that I may consider the amended tone of this paper as a favourable presage of the improved temper in which Prince Hardenberg may hope to find His Imperial Majesty, and that whatever may be the issue of the negotiation, it will be conducted, at least avowedly, in a decorous deference to the obligations of Treaties, and to the principles upon which the relations of States should subsist.

The language of this Memoir is, at all events, grateful to an English ear that has been too frequently doomed to listen to declarations of power founded upon the alleged pleasure of a Sovereign and the number of his troops ready for service.

I have, &c.

(Signed) CASTLEREAGH.

Inclosure 1 in No. 9.

The Emperor of Russia to Viscount Castlereagh.

My Lord, *Vienne, le* $\frac{9}{21}$ *Novembre*, 1814.

AYANT pris connaissance du Mémoire que vous m'avez transmis en dernier lieu, j'ai jugé nécessaire qu'il y fût fait réponse, tant pour réfuter quelques assertions peu solides

qui s'y trouvaient consignées, que pour donner une nouvelle preuve de la pureté de mes intentions et de l'invariabilité de mes principes. J'espère, my Lord, que cet envoi fera la clôture de cette correspondance particulière, vous priant de faire passer vos papiers d'office par la voie habituelle.

Recevez, &c.

(Signé) ALEXANDRE.

(Translation.)

My Lord,

HAVING considered the Memorandum which you have recently forwarded to me, I thought it necessary that an answer should be made to it, as well in order to refute certain assertions of little soundness which are contained in it, as in order to furnish a fresh proof of the purity of my intentions through the unchangeableness of my principles. I trust, my Lord, that this communication will close this private correspondence, requesting you to transmit your official papers through the usual channel.

Receive, &c.

(Signed) ALEXANDER.

Vienna, November $\frac{21}{}$, 1814.

Inclosure 2 in No. 9.

Russian Memorandum.

Vienne, le $\frac{9}{21}$ *Novembre*, 1814.

LE second Mémoire Anglais, plutôt que de simplifier les questions et de faciliter le rapprochement des opinions divergentes, paraît tendre à prolonger une discussion qui, en s'écartant de ce qui l'a motivée, devient polémique, et ne peut conséquemment promettre aucun résultat.

Cet écrit, par conséquent, n'ayant pour but de la terminer sans ménagement à la justice et sans circonstancier au Mémoire mentionné ci-dessus, on se bornera à rectifier quelques assertions qui y sont consignées, et qu'on ne saurait admettre sans manquer à la vérité des intentions qu'elle n'a jamais eues. Ce n'est pas à elle seule qu'elle réserve les dispositions pour le combattre. C'est conformément aux principes de la Russie et de ses Alliés, qu'elle désire le régler. La décision dont il s'agit maintenant concerne le Duché de Varsovie. C'est conformément aux principes établis par les Puissances Alliées, qu'elle désire le régler ici. C'est ce dont il s'agit maintenant.

Dire que le Traité de Reichenbach n'est qu'éventuel, ce n'est pas prétendre qu'on le considère comme nul et non-avenu ; c'est lui donner son véritable caractère. En effet, cette transaction est éventuelle, parceque seule et dans un sens absolu, elle ne pouvait dans aucun cas régler tous les intérêts qui résultent des succès de la guerre et des événements ultérieurs.

Ce Traité a été conclu avant que l'on connût encore si Buonaparte accepterait la médiation offerte par l'Autriche. Il la rejeta, et le Traité du 9 Septembre fut conclu au fort de la guerre. Les succès des armes des Alliés donnant lieu à de nouvelles combinaisons, le Traité relatif au Duché de Varsovie fut stipulé dans des termes plus généraux, lorsque ces mêmes Puissances qui avaient participé à celui de Reichenbach se trouvaient dans des circonstances différentes.

Si Buonaparte eût accepté la médiation de l'Autriche, si les armées alliées avaient été obligées de s'arrêter sur l'Elbe ; si l'Italie, la Hollande, et le Bas Rhin étaient demeurés au pouvoir de la France, alors le Traité de Reichenbach, modifié par les circonstances même, eût dicté des opinions nouvelles, et produit des effets différents. Une semblable modification, nécessitée par l'état des choses, aurait dû avoir lieu dans toutes les hypothèses attendu que la proportion des additions à faire aux moyens et aux résultats de la guerre dans le Duché ne se trouvait nullement déterminée dans cette stipulation, et qu'il était aussi impossible de modifier ces proportions selon les résultats de la guerre. Mais il y a plus encore. L'histoire de la diplomatie fournit plus d'un exemple de Traités qu'une des Parties contractantes ne considéra pas comme obligatoires, à cause d'un changement total des circonstances. L'Angleterre elle-même, pour ne rien dire de plus, se crut autorisée en 1802 à ne point exécuter celui d'Amiens qui lui était bien loin de vouloir se restreindre à la forme de cet argument de la guerre, à celle pour les stipulations ; c'est au contraire en suivant ces principes que nous avons présidé à toutes ses transactions politiques depuis le commencement de la guerre, qu'elle ouvre aujourd'hui une discussion libre sur les acquisitions qu'elle croit juste de conserver.*

* Ci-jointe une annexe, contenant la réfutation des notions statistiques du Mémorandum sur le Duché.

Ces maximes étant le résultat de l'expérience, fixaient irrévocablement la règle de conduite que l'Empereur s'est imposée pour parvenir au grand but de délivrer l'Europe du joug qui l'opprimait, et de rétablir conséquemment un système politique fondé sur la justice et sur un équilibre solidement combiné.

La justice établissait pour règle immuable de toutes les transactions entre les Etats coalisés, que les avantages que chacun d'eux serait appelé à recueillir du triomphe de la cause commune devaient être proportionnés à la persévérance de leurs efforts et à la grandeur des sacrifices.

La nécessité d'un équilibre politique prescrivait, à son tour, de donner à chaque Etat une consistance et une force relative capable de placer la garantie des Conventions politiques dans les moyens que chacun d'eux aurait en lui-même pour les faire respecter.

C'est en se conformant invariablement aux deux principes qui viennent d'être énoncés, que l'Empereur se détermina à faire la guerre, à la soutenir seul, dans son commencement, et à la pousser moyennant une coalition jusqu'au terme unique où la pacification générale de l'Europe pouvait être fondée sur les bases solides et inébranlables de l'indépendance des peuples et des droits sacrés des nations. La barrière de l'Oder une fois franchie, la Russie ne combattait plus que pour ses alliés,—pour augmenter la puissance de la Prusse et de l'Autriche, pour délivrer l'Allemagne, pour sauver la France des fureurs d'un despotisme dont elle portait seule tout le poids à la suite de ses revers.

Si l'Empereur avait fondé sa politique sur les combinaisons d'un intérêt particulier et exclusif, lorsque l'armée de Napoléon, rassemblée, pour ainsi dire, aux dépens de l'Europe, eût trouvé en Russie son tombeau, Sa Majesté aurait pû faire la paix avec la France, et sans s'exposer aux chances d'une guerre dont l'issue était d'autant plus incertaine qu'elle dépendait des déterminations d'autres Cabinets, sans imposer à son peuple de nouveaux sacrifices, se contenter d'une part de la sûreté acquise pour son empire, et de l'autre acquiescer aux conditions que Buonaparte, instruit par une triste expérience, se serait empressé de lui proposer. Mais l'Empereur, dans l'entreprise magnanime à laquelle il s'est livré, se servit de l'élan généreux de son peuple pour seconder les vœux de toutes les nations Européennes. Il a combattu pour une cause à laquelle se rattachaient les destinées du genre humain, avec des vues désintéressées. Fidèle à ses principes, Sa Majesté a constamment travaillé à favoriser les intérêts des Puissances ralliées à la cause commune, en ne plaçant les siens qu'au second rang. Elle a prodigué ses ressources pour faire prospérer leurs efforts réunis, dans la ferme persuasion que ses alliés, loin de trouver dans une conduite aussi pure des motifs de reproche, lui sauraient gré d'avoir subordonné toutes les considérations particulières à la réussite d'une entreprise qui avait pour but le bien général.

C'est pour réintégrer le système d'un véritable équilibre politique, c'est pour frayer des voies régulières et légitimes aux stipulations dont il doit être le résultat, c'est pour le faire reposer sur la base solide de la force réelle et intrinsèque de chacune des Puissances, que la Russie s'est fait une loi de ne point anticiper sur les dispositions d'une pacification générale, tandis qu'il n'eût tenu qu'à elle de faire valoir ses droits sur un pays conquis par ses armes, sans aucune co-opération étrangère. La Russie, par contre, s'abstint constamment de toute démarche arbitraire, et ajourna tout projet d'agrandissement légitime jusqu'au temps où ses alliés auraient eu la juste mesure de la puissance qui leur serait échue en partage, et lorsque tous les Etats de l'Europe, rentrés dans la plénitude de leur indépendance, viendraient traiter de leurs intérêts, et contribuer par leurs suffrages à la juste conciliation de ceux des Alliés.

Il est hors de doute, qu'en envisageant cette conduite dans la pureté des intentions qui l'ont dictée, aussi bien que dans les résultats qui en sont le fruit, Sa Majesté, vû la confiance sans bornes qu'elle place dans ces alliés, ne peut que s'applaudir d'avoir choisi, pour énoncer et motiver ses justes prétentions, l'époque actuelle, où les Alliés étant mis à même d'obtenir des accroissements considérables de puissance, sous le rapport territorial, militaire, commercial, et politique, ne peuvent légitimement contester à la Russie celui qu'elle réclame, non dans la vue d'augmenter ses ressources, mais comme un poids nécessaire dans la balance du système Européen.

Il suffira de jeter un coup-d'œil rapide sur les accroissements de puissance relative réservés à chaque Etat en particulier, pour donner à cette vérité tous les caractères de l'évidence. La puissance de la Grande Bretagne embrasse tout le globe. Elle domine l'océan, s'étend sur toutes les côtes maritimes, et se fonde sur l'irrésistible nécessité des communications entre les hommes. L'Angleterre possède dans l'Inde 40,000,000 de sujets, donne la loi au Continent Américain, exploite la mine inépuisable du Levant, retient toutes les clefs de la Méditerranée, et sa puissance maritime et commerciale, par suite d'une révolution destructrice, ne rencontre nulle part et n'a point à craindre de rivaux.

Enfin ses rapports avec la Hollande, ainsi que le recouvrement de l'Electorat d'Hanovre, donnent à l'Angleterre une nouvelle prépondérance directe dans les affaires du Continent.

L'Autriche va étendre son sceptre et son influence sur la plus belle moitié de cette Allemagne, couverte des ruines de ces anciennes institutions. Elle est délivrée du fardeau qui lui imposait une stérile suprématie. Elle possède des belles contrées de l'Italie, qui ne furent conquises que par les forces réunies de la Grande Ligue sous les murs même de Paris. Elle réunit à son vaste territoire les provinces Illyriennes, qui la rendent maîtresse de l'Adriatique et lui assurent une influence prépondérante dans la Turquie Européenne. Par sa position actuelle en Italie, elle se voit en mesure de donner la loi aux Royaumes de Naples et de Sardaigne, d'influencer puissamment la Suisse, et de maintenir contre la France la barrière des Alpes.

La Prusse recueille la partie septentrionale du grand héritage de l'Empire Germanique, et consolide son pouvoir sur la Vistule, l'Elbe, et le Rhin.

L'Allemagne va reprendre une consistance politique qu'elle n'a jamais eûe, et qu'elle doit en grande partie aux progrès de l'esprit de ses peuples et à des institutions qui les réunit en corps de nations.

La France, circonscrite par les excès d'une ambition colossale, sans marine et sans commerce, n'a pour elle que la sagesse de son Gouvernement.

La Péninsule, épuisée et occupée d'une lutte funeste avec ses propres Colonies, ne présente aucun point d'appui.

Il reste à considérer la Russie. Quels sont les agrandissements de sa part qui menacent le repos de l'Europe, ou plutôt quel est le point d'appui sur lequel elle puisse se fonder, pour être sûre que la loi de l'équilibre ne sera pas enfreinte à son égard? Est-ce l'acquisition de la Finlande et de la Bessarabie qui peut autoriser des appréhensions de cette nature? Ne pourrait-on pas demander, au contraire, si c'est l'Allemagne ou l'Italie qui peuvent la rassurer sur les projets hostiles d'une Puissance quelconque, qui tenterait de se prévaloir des nouveaux avantages qu'elles vient d'acquérir? Il y a plus. La Russie, pourrait-elle se flatter d'une parfaite sécurité dans son intérieur, si elle n'obtenait pas une bonne frontière militaire, et surtout si elle abandonnait encore au désespoir et à la seduction les habitants du Duché de Varsovie? Il est d'un intérêt majeur pour la Russie de mettre un terme à toutes les inquiétudes des Polonais. Comprimées ultérieurement, elles réagiraient un jour sous une influence étrangère. Et cette réaction troublerait nécessairement le repos de la Russie et de tout le Nord. L'expérience vient à l'appui de cette observation

Enfin si à cet aperçu rapide de la situation respective des Puissances on ajoutait l'évaluation rigoureuse et statistique des acquisitions de chacune à cette grande époque, nul ne pourrait contester de bonne foi à la Russie un agrandissement que la justice, le maintien de l'équilibre en Europe, et sa tranquillité intérieure, réclament d'un commun accord.

L'auteur du Mémoire, entraîné par la vivacité de la discussion, semble ne plus apprécier l'état d'indépendance et de bonheur auquel l'Europe est parvenue, et avoir oublié la situation désespérée de laquelle le Continent est sorti.

On ne saurait non plus partager l'opinion émise, que la Grande Bretagne n'eût pas voulu consentir à renoncer aux îles Françaises des Antilles contre les grands avantages déjà acquis, ou à faire toute autre restitution de ce genre, si elle avait pû prévoir que la Russie obtiendrait une plus grande part du Duché de Varsovie qu'elle ne croit devoir lui revenir.

On est au contraire dans la conviction que s'il fallait recommencer, l'Angleterre (même avec la certitude que tout le Grand Duché appartiendrait à la Russie) ne balancerait pas pour soustraire l'Europe au despotisme qui l'asservissait, de sacrifier encore une fois le superflu de ses immenses Colonies. Tous les autres Etats de l'Europe auraient certainement embrassé le même parti, s'ils étaient menacés de retomber sous le pouvoir d'une nouvelle Dynastie créée par la révolution.

On a remarqué avec la plus vive satisfaction, l'énergie que l'auteur du Mémoire a déployée en plaidant les droits des nations. Il resterait à désirer que cet élan pour un objet d'un aussi grand intérêt n'eût pas été accompagné d'un mouvement d'impatience. On n'en doit pas moins juger favorablement sur le fond des sentiments du Cabinet Britannique, et l'on en tire un heureux présage pour la prospérité et le repos futurs du monde.

S'il était possible que tous les Etats Européens se replaçassent spontanément dans la situation où ils se trouvaient, si toutes les acquisitions qu'ils ont faites et les changements qu'ont dû subir nécessairement leurs relations politiques pouvaient être considérés comme non-avenus, il est hors de doute que l'Empereur de Russie eût été le premier à donner l'exemple des plus grands sacrifices pour contribuer à ce grand résultat. Mais cette hypothèse paraît contraire aux dispositions des autres Etats. La Grande Bretagne elle-

même serait appelée à des restitutions importantes. On lui demanderait des concessions qu'elle aurait sûrement beaucoup de peine à accorder, quelque essentielles qu'elles pûssent être au bien général et à l'indépendance véritable des Nations dans leurs rapports successifs.

Ainsi, plutôt que de plaider vaguement la cause des principes du droit public Européen, il paraît préférable de travailler, dans l'état actuel des choses, à assurer aux nations les avantages relatifs auxquels elles ont des droits et au moyen desquels on peut plus raisonnablement espérer une paix et une concorde fondée sur l'aptitude à la maintenir entre les grands Etats.

On fera par observer que l'intervention d'un médiateur dans toute discussion est sans doute à désirer, et peut devenir salutaire toutes les fois qu'elle sert à rapprocher les esprits.

Dans le cas contraire, il est préférable de laisser aux parties intéressées le soin de débattre leurs différends et de s'expliquer entr'elles, surtout lorsqu'une intimité et une confiance réciproque constitue le principe le plus actif de leurs négociations.

Le véritable caractère de conciliateur convient sans doute éminemment à la Grande Bretagne, et ses Ministres, en le soutenant dans toute sa pureté, pourront rendre les plus grands services à la cause de l'Europe et de l'humanité entière.

(Translation.)

Vienna, November $\frac{9}{21}$, 1814.

THE second English Memorandum, rather than simplifying the questions, and facilitating the reconcilement of divergent opinions, appears to have a tendency to prolong a discussion which, by departing from the views which have given rise to it, becomes controversial, and consequently cannot hold out the promise of any result.

The object of the present document, on the contrary, is to bring it to a conclusion.

Without replying in detail then, to the above mentioned Memorandum, it will be confined to the rectification of certain assertions contained therein, and which cannot be admitted without failing in justice and without disregarding the truth.

To raise up suppositions in order to contest them is not discussion. The author of the Memorandum attributes to Russia intentions which she has never entertained. She does not reserve for herself alone to decide upon the destiny of the Grand Duchy of Warsaw. It is in accordance with the principles of strict equity, it is in accordance with the Allied Powers, that she desires to settle it, and that is now the point in question.

To say that the Treaty of Reichenbach is only contingent is not to assert that it should be considered never to have existed, but it is to assign to it its true character. In fact, that arrangement is contingent, because alone, and in an absolute sense, it could in no case regulate all the interests resulting from the successes of the war and subsequent events.

That Treaty was concluded at the time when it was still unknown whether Bonaparte would accept the mediation offered by Austria. He rejected it, and the Treaty of the 9th of September was concluded in the heat of the war. The success of the arms of the Allies giving occasion for new arrangements, the Article relating to the Duchy of Warsaw was drawn up in more general terms, with the consent of the same Powers who had been parties to that of Reichenbach.

If Bonaparte had accepted the mediation of Austria, if the allied armies had been obliged to halt on the Elbe, if Italy, Holland, and the Lower Rhine had remained in the power of France, then the Treaty of Reichenbach, modified by the circumstances themselves, would have prescribed fresh arrangements and produced different results. Such a modification, rendered necessary by the state of affairs, must necessarily have taken place under all suppositions, seeing that the proportion of the indemnities to be taken, and the limits to be traced in the Duchy, were nowhere defined in that compact, and that it was as just as it was indispensable to modify those proportions according to the results of the war. But further, the history of diplomacy furnishes more than one example of Treaties which one of the Contracting Parties did not consider as obligatory in the case of a total change of circumstances. England herself, resting on this principle, considered herself authorized in not executing that of Amiens. Russia is far from wishing to restrict herself to the force of this argument; she does not depart from stipulations, and is, on the contrary, from a faithful adherence to the maxims which have swayed all her political transactions since the commencement of the war, that she now enters upon a free discussion on the acquisitions which she deems it just to maintain.*

These maxims, being the result of experience, irrevocably fixed the rule of conduct which the Emperor prescribed to himself in order to obtain the grand object of delivering Europe from the yoke which oppressed it, and consequently of re-establishing a political system based on justice and on a firmly-compacted balance.

* A paper is annexed containing a refutation of the statistical details of the Memorandum respecting the Duchy.

Justice established as an immutable rule for all the transactions between the coalesced States, that the advantages which each of them should be summoned to reap from the triumph of the common cause should be in proportion to the perseverance of their efforts and to the magnitude of the sacrifices each of them should possess in itself to cause them to be respected.

The necessity for a political balance in its turn prescribed that there should be given to each State a degree of consistency and of relative force capable of placing the guarantee of the political Conventions in the means which each of them should possess in itself to cause them to be respected.

By invariably acting in accordance with the two principles which have been just stated, the Emperor resolved to enter upon the war, to support it alone at its commencement, and to carry it on by means of a coalition up to the single point at which the general pacification of Europe might be based on the solid and immoveable foundations of the independence of States and of the sacred rights of nations. The barrier of the Oder once overstepped, Russia fought only for her allies, in order to increase the power of Prussia, and of Austria, to deliver Germany, to save France from the frenzy of a despotism of which she alone bore the entire weight after her reverses.

If the Emperor had based his policy upon combinations of a private and exclusive interest, when the army of Napoleon, collected together, so to speak, at the expense of Europe, had found its grave in Russia, His Majesty could have made peace with France; and without exposing himself to the chances of a war the issue of which was so much the more uncertain as it depended on the determination of other Cabinets, without imposing fresh sacrifices on his people, might have contented himself, on the one hand, with the security acquired for his Empire, and, on the other hand, have acquiesced in the conditions which Bonaparte, instructed by a sad experience, would have been eager to propose to him. But the Emperor, in the magnanimous enterprise to which he had applied himself, availed himself of the generous enthusiasm of his people to second the desires of all the nations of Europe. He fought in behalf of his principles, which alone could ensure the destinies of the human race were connected. Faithful to his principles, His Majesty has constantly laboured to favour the interests of the Powers which had willingly run the chances of the common cause, placing his own interests only in the second rank. He has lavished his resources in order to render their united efforts prosperous, under the full conviction that his Allies, far from finding in a conduct so pure grounds for complaint, would be grateful to him for having made all private consideration, subordinate to the success of an enterprise which had the general good for its object.

It is with a view to restore the system of a true political balance of power,—it is in order to open regular and legitimate means of access to the stipulations from which it must result, that Russia prescribed to herself not to forestal the arrangements of a general pacification, whilst it only rested with her to assert her rights over a country conquered by her arms, but to which foreign co-operation. Russia, on the contrary, abstained from every arbitrary measure, and deferred every project of legitimate aggrandizement, until the Allies should have had a just estimate of the power which would fall to their share, and when all the States of Europe, reinstated in the fulness of their independence, might become together the arbiters of their interests, and to contribute by their suffrages to the fair adjustment of those of the Allies.

It is beyond doubt that in testing this conduct by the purity of the intentions by which it was dictated, as well as by the results which were the fruits of it, His Majesty, considering the unbounded confidence which he placed in his Allies, cannot but applaud himself for having chosen, for the enunciation and explanation of his just pretensions, the present time, when the Allies, being enabled to acquire considerable augmentations of power in territorial, military, commercial, and political respects, cannot legitimately grudge to Russia what she demands, not with the view of augmenting her resources, but as a necessary weight in the balance of the European system.

To Russia it be sufficient to cast a rapid glance over the augmentations of relative force set apart for each individual Power, in order to give to this truth all the marks of evidence.

The power of Great Britain encompasses the whole globe. She rules the ocean, extends herself over all maritime coasts, and rests upon the irresistible necessity of the communication between Great England possesses in India 40,000,000 of subjects, gives law to the American Continent, turns to account the inexhaustible mine of the Levant, retains all the keys of the Mediterranean; and her maritime and commercial power, in consequence of a fortunate revolution, nowhere finds rivals and has none to fear. Finally, her relations with Holland, as well as the recovery of the Electorate of Hanover, confer upon England a direct preponderance in the affairs of the Continent.

Austria is about to extend her sway and her influence over the fairest half of that Germany, covered with the ruins of its ancient institutions. She is delivered from the

burthen imposed upon her by a barren supremacy. She possesses those fair countries of Italy which were only conquered by the united forces of the Grand League, under the very walls of Paris. She unites with her vast territories the Illyrian Provinces, which render her mistress of the Adriatic, and secure to her a preponderating influence in European Turkey. By her present position in Italy she sees herself in a situation to give the law to the Kingdoms of Naples and of Sardinia, to have a powerful influence over Switzerland, and to maintain against France the barrier of the Alps.

Prussia acquires the northern portion of the great inheritance of the German Empire, and consolidates her power over the Vistula, the Elbe, and the Rhine.

Germany will recover a political consistency which she has never possessed, and which she owes in a great measure to the advancement of intelligence among her people, and to the institutions which unite them as national bodies.

France, circumscribed by the excesses of a colossal ambition, without marine and without commerce, has only for herself the wisdom of her Government.

The Peninsula exhausted, and engaged in a deadly struggle with its own Colonies, offers no basis.

It remains to consider Russia. What are the aggrandizements on her side which menace the repose of Europe, or rather upon what basis can she rest, in order to be sure that the law of the balance of power shall not be infringed with respect to her? Is it the acquisition of Finland and of Bessarabia which can authorize apprehensions of this nature? Might it not, on the contrary, be inquired whether it is Germany or Italy which can reassure her with regard to the hostile projects of any Power whatever which might attempt to make use of the new advantages which it has lately acquired? Further. Could Russia flatter herself with the prospect of a perfect security in her interior, if she did not obtain a good military frontier, and especially if she again abandoned to despair and to seduction the inhabitants of the Duchy of Warsaw? It is a matter of important interest to Russia to put an end to all the disquietudes of the Poles. Subjected to further restraints, they would re-act one day or other under a foreign influence; and that reaction would necessarily disturb the repose of Russia and of the whole North. Experience comes in aid of this remark.

Finally, if to this rapid sketch of the respective situation of the Powers, should be added the strict and statistical valuation of the acquisitions of each of them at this great period, no one could honestly grudge Russia an aggrandizement which justice, the maintenance of the balance of power in Europe, and her internal tranquillity, concurrently demand.

The author of the Memorandum, carried away by the heat of the discussion, appears no longer to appreciate the state of independence and of happiness to which Europe has attained, and to have forgotten the desperate situation from which the Continent has emerged.

Neither is it possible to share the opinion which has been put forward that Great Britain would not have been willing to consent to give up the French West Indian Islands, in consideration of the advantages already acquired, or to make any other restitution of that kind, if she could have foreseen that Russia would obtain a greater portion of the Duchy of Warsaw than she considered should fall to her share.

On the contrary, the conviction is felt that if it were necessary to begin over again, England (even with the certainty that the whole of the Grand Duchy would belong to Russia) would not hesitate, in order to rescue Europe from the despotism which held it in subjection, to sacrifice once again the overplus of her immense Colonies. All the other States of Europe would certainly have adopted the same course, if they were threatened again to fall under the power of a new dynasty created by the Revolution.

The energy which the author of the Memorandum has displayed in pleading the rights of nations has been remarked with the greatest satisfaction. It would only remain to desire that this enthusiasm for an object of such great interest had not been accompanied with a movement of impatience. The real sentiments of the British Cabinet must not be the less judged of favourably, and a good omen is deduced from them in favour of the future prosperity and repose of the world.

If it were possible that all the States of Europe should be spontaneouly replaced in the situation in which they were, if all the acquisitions which they have made, and the alterations which their political relations have necessarily undergone, could be considered as not having taken place, it is beyond a doubt that the Emperor of Russia would have been the first to set the example of the greatest sacrifices in order to contribute to this grand result. But this supposition seems contrary to the inclinations of the other States. Great Britain herself would be called upon to make important restitutions. Concessions would be demanded of her which she would assuredly be much concerned to grant, how-

ever essential they might be to the general good and to the true independence of the nations in their external relations. Consequently, rather than vaguely plead the cause of the principles of the public law of Europe, it appears preferable to labour in the present state of affairs to secure to the nations the relative advantages to which they have rights, and by means of which a peace and concord founded on the aptitude for maintaining it among the great States may now be reasonably looked for.

We will conclude by remarking that the intervention of a mediator in every discussion is doubtless desirable, and may be beneficial whenever it serves to bring opinions closer together.

In the contrary case it is preferable to leave to the interested parties the task of discussing their differences, and of entering into explanation between themselves, especially when a close connexion and a reciprocal confidence constitutes the most active principle of their negotiations.

The true character of a reconciler of differences doubtless becomes eminently Great Britain, and her Ministers, by sustaining it in all its purity, will be able to render the greatest services to the cause of Europe and of the whole human race.

Inclosure 3 in No. 9.

Statistical Facts.

IL est connu jusqu'à quel point l'on peut faire fond sur des tables statistiques; leur validité n'est jamais complète, et celles que cite le Mémoire Anglais n'ont pas droit à plus d'authenticité que celles qu'il veut combattre. Cependant l'auteur a été fortement induit en erreur par les sources qu'il a consulté relativement au revenu des salines de Wieliczka, qui peut se vérifier avec plus de certitude que d'autres objets de statistique. Les Budgets annuels du Duché sont connus, et on pourra y trouver la preuve que le Gouvernement de ce Duché, ayant le monopole de la vente du sel, en retirait annuellement jusqu'à 9,000,000 de florins de Pologne du revenu net. L'Autriche, en vertu d'un contrat de ferme conclu pour huit ans, fournissait au Duché 450,000 quintaux de sel, et elle avait déjà reconnu que cette quantité ne répondait pas à la moitié des salines appartenant au Duché, d'autant que de nouveaux travaux pouvaient considérablement augmenter l'exploitation annuelle du sel, dont le Gouvernement du Duché pouvait pour sa part reprendre l'administration. Conséquemment, la somme de 3,000,000 de florins d'Allemagne n'est rien moins qu'exagérée, surtout quand on y ajoute le revenu des fondières de soufre de Sworzowice.

Pour ce qui est de la population, dont les calculs ne sont pas également faciles à vérifier, l'on peut affirmer, sans avoir recours à un déguisement dont on n'a nul besoin de se servir, que d'après l'état actuel de ce Duché et avec les cessions que l'Empereur est disposé à faire, il ne gardera dans ce pays que deux millions et quelque cent mille âmes au plus

(Translation.)

IT is known up to what point reliance can be placed upon statistical tables; their validity is never complete; and those cited by the English Memorandum are not entitled to more authenticity than those which he desires to contest. Nevertheless the author has been led into a great mistake by the sources which he has consulted respecting the revenues of the salt mines of Wieliczka, which can be ascertained with more exactness than other objects of statistics. The annual Budgets of the Duchy are known, and therein may be found the proof that the Government of that Duchy, having the monopoly of the sale of salt, derived annually from it as much as 9,000,000 of Polish florins of net revenue. Austria, in virtue of the lease concluded for eight years, furnished to the Duchy 450,000 quintals of salt, and she had already admitted that this quantity did not equal the moiety of the salt mines belonging to the Duchy, insomuch as fresh works could considerably increase the annual production of the salt, of which the Government of the Duchy could for its part resume the administration. Consequently the sum of 3,000,000 of German florins is nothing less than exaggerated, especially when the revenue of the sulphur works of Sworzowice is added to it.

As regards the population, the calculations respecting which are not so easy to be verified, it may be affirmed, without having recourse to disguise, which there is no occasion to make use of, that according to the actual condition of the Duchy, and with the cessions which the Emperor is disposed to make, he will only retain in that country two millions and some hundred thousand souls at the most.

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No. 10.

Viscount Castlereagh to the Earl of Liverpool.—(Received December 8.)

Viscount Castlereagh to the Earl of Liverpool.—(Received December 8.)

My Lord, *Vienna, November* 25, 1814.

I ACQUAINTED your Lordship in my despatch of the 21st instant with the indisposition of the Emperor of Russia. The disease proved to be an erysipelas in one of his legs, attended with considerable fever.

My Lord, *Vienna, November 25, 1814.*

I ACQUAINTED your Lordship in my despatch of the 21st instant with the indisposition of the Emperor of Russia. The disease proved to be an erysipelas in one of his legs, attended with considerable fever.

This attack suspended all intercourse with His Imperial Majesty on business for some days. He was, however, sufficiently recovered to see both Prince Metternich and Prince Hardenberg the night before last.

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I understand from Prince Metternich that the Emperor was very conciliatory in his language, expressed his wish to come to an understanding, &c. The conversation was general, his Highness declining to enter into the discussion of the points at issue, having placed the negotiation in Prince Hardenberg's hands.

I understand from Prince Metternich that the Emperor was very conciliatory in his language, expressed his wish to come to an understanding, &c. The conversation was general, his Highness declining to enter into the discussion of the points at issue, having placed the negotiation in Prince Hardenberg's hands.

The Prussian Minister had a long conference with His Imperial Majesty on the same evening. For the reasons already stated to your Lordship, it has been my wish to interfere as little as possible in the conduct of this negotiation. I have therefore avoided calling myself on the Chancellor, but his Highness desired Count Munster to inform me that

The Prussian Minister had a long conference with His Imperial Majesty on the same evening. For the reasons already stated to your Lordship, it has been my wish to interfere as little as possible in the conduct of this negotiation. I have therefore avoided calling myself on the Chancellor, but his Highness desired Count Munster to inform me that

Sa Majesté a écouté avec beaucoup de calme le tableau que le Chancelier lui a fait des suites d'une guerre qui ne manquerait pas de se rallumer tôt ou tard, au cas que la Russie ne voudrait revenir en partie sur ses projets relativement à la Pologne. L'Empereur a persisté qu'il désirait le repos de l'Europe, et qu'il ne doutait pas qu'il s'arrangerait à l'amiable avec ses voisins.

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The Chancellor then stated to the Emperor the terms on which Austria and Prussia would be willing to arrange the question of the Polish frontier, leaving His Imperial Majesty to act politically with respect to his own Polish possessions as he pleased. The Emperor expressed a disposition to treat upon this base, proposing to comprehend in the same negotiation the other principal points in dispute, viz., Saxony and Mayence. His Imperial Majesty promised to give an answer in two or three days.

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You Lordship will observe from the above that the Emperor has at length, for the first time, submitted to consider this question as a matter of regular negotiation between him and his allies. I wish I could feel myself justified in encouraging you to expect that the liberality with which the two neighbouring Powers are disposed to regard the disposition of the part of Russia. I much fear this will not turn out to be the case; nor can Poland, was likely to be met by a corresponding spirit of accommodation with respect to frontier on the part of Russia. I much fear this will not turn out to be the case; nor can I regard with much confidence, after the experience of many months, these discussions which are conducted without the intervention of any responsible Minister, and in which Prince Hardenberg, however pure his intentions may be, will have to act under the double disadvantage of treating with a Monarch whose declarations cannot be considered as official and under the apprehension that, in the event of any serious difference arising, he has every prospect of being disavowed by his own master.

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I shall not fail to despatch another messenger so soon as these important discussions have assumed such a character as may enable me at all to judge of their result.

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I have, &c.

(Signed) CASTLEREAGH.

I have, &c.

(Signed) CASTLEREAGH.

No. 11.

Viscount Castlereagh to the Earl of Liverpool.—(Received December .)

Viscount Castlereagh to the Earl of Liverpool.—(Received December .)

(Extract.) *Vienna, December* 5, 1814.

IN my letter of the 25th ultimo, I reported to your Lordship the commencement of the negotiation with the Emperor of Russia upon the Polish question, and that the conduct of it had been entrusted to the Prince de Hardenberg.

(Extract.) *Vienna, December 5, 1814.*

IN my letter of the 25th ultimo, I reported to your Lordship the commencement of the negotiation with the Emperor of Russia upon the Polish question, and that the conduct of it had been entrusted to the Prince de Hardenberg.

I was not at that moment enabled to state more than the favourable reception Prince Hardenberg considered his proposition had met with from the Emperor of Russia; that His Imperial Majesty had agreed to treat upon the terms proposed, and had promised an answer in a few days.

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The precise terms which the Prussian Minister was authorised to propose were as follows:—

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That Russia should receive Thorn and the line of the Wartha, and that Austria should obtain, in addition to the circle of Zamosc, Cracovie, and the Nidda, as a frontier. It was added that, provided the Emperor yielded on the territorial question as proposed, the two Powers were prepared to acquiesce in his political views in Poland, under guarantees to be reciprocally agreed upon.

The counter-project to this overture was communicated on the part of Russia by the Prince Czartorisky and Baron Stein, neither of whom hold any responsible situation under the Emperor. It was limited to a proposition to neutralize the towns of Thorn and Cracovie by erecting them into free cities with a rayon round each; but His Imperial Majesty, however strong his professions had been for several days of a desire to meet the wishes of his allies, did not intimate any intention of yielding the circle of Zamosc, or the territory intervening between Kalisch and the Wartha, and between Cracovie and the Nidda, adhering, as far as territory was concerned, to his former line by Kalisch to the west, and by the Vistula on the south, between Cracovie and Lendomir.

It was stated that as these two points had been represented as menacing to his allies, the Emperor was willing thus to strip them of that character. But that as a condition, *sine quâ non*, of this concession, he must require that the questions of Saxony and Mayence should be simultaneously settled, the former by its complete incorporation with Prussia, the latter by its being rendered a fortress of the Empire.

Your Lordship will recollect that the circumstances which preceded the transfer of the negotiation into the management of Prussia were not such as to afford much prospect of insisting with effect upon any demand, more especially one of any magnitude. This, as I understand, induced the Austrian Minister to represent to Prince Hardenberg the necessity, under existing circumstances, of Prussia modifying her Saxon pretensions, so as not only to secure the concurrence of the several German Powers and, if possible, of France to her arrangements, but also to compensate in some measure the disappointment of Austria as to her Polish frontier, by relieving her from that jealousy which the total extinction of an intermediate Power on her Bohemian frontier must occasion.

I certainly understood from Prince Metternich when he agreed to the basis of negotiation before stated, that Prince Hardenberg had previously acquiesced in this principle, it being premised that this modification was not to operate a reduction in the quantum of territory which Prussia was to receive. By one of those changes in council which are not unfrequent in the Prussian Cabinet, it appears that this facility to an arrangement, however unsatisfactory it might still have remained with respect to the Polish frontier, is now absolutely withdrawn on the part of Prince Hardenberg, and I am afraid your Lordship must be prepared, if this is persisted in, to find the negotiation generally assume a most embarrassing character.

You will judge of this, as far as the interests of Austria are concerned, by observing that the Russian counter-project gives her nothing in point of frontier on the side of Poland. It merely relieves her from the umbrage of two points, by giving them a political instead of a military character. On the side of the Elbe it exposes her to a direct contact with Prussia throughout the whole line of her Bohemian frontier, the gorges of which will pass into the hands of that Power, and it also embarrasses even her Austrian frontier by insisting upon an arrangement with respect to Mayence, which, however wise in itself, disappoints the condition upon which Bavaria had agreed to restore to Austria the strong country extending from Salzburg along the Inn to the Danube.

It is not merely in her territorial relation that the spirit disclosed in the late negotiations embarrasses Austria. She feels still greater uneasiness from the temper of the Russian councils, and from the commanding sway the Emperor has acquired, through the King, over those of Prussia. Had Prince Hardenberg been enabled to range himself, as he promised to do, on the side of Austria, in a sincere, open, and undisguised negotiation with Russia upon the Polish question, whatever might have been the success of this effort the world would have taken it as a proof that Prussia was true to the interests of Germany. And it would have given Austria a strong moral justification for making great sacrifices to her in Saxony; but the misfortune is that the impression as well as the fact is now the other way, and that Russia and Prussia are looked upon as one, pledged to support each other's objects, whatever may be their effect either upon Austrian or German interests.

No. 12.

Viscount Castlereagh to the Earl of Liverpool.—(*Received December* 31.)

(Extract.) *Vienna, December* 18, 1814.

I REPORTED to your Lordship in my despatch of the 7th instant the interview I had had with Prince Hardenberg. I now send you Prince Metternich's reply to his paper.

Inclosure in No. 12.

Prince Metternich to Prince Hardenberg.

(Extrait.) *Vienne, le* 10 *Décembre*, 1814.

J'AI soumis à l'Empereur la note verbale que votre Altesse m'a fait l'honneur de me remettre le 2 de ce mois. Sa Majesté Impériale m'autorise à faire aux divers objets sur lesquels elle porte la réponse suivante :—

La première, comme la plus importante des questions réservées aux négociations de Vienne, a sans doute été celle de la fixation du sort du Duché de Varsovie. Cette question renfermait en effet toutes les facilités propres à régler les affaires générales de l'Europe, sous le point de vue politique et de distribution territoriale, soit que les Provinces ci-devant Polonaises eussent, en tout ou en partie, été réunies en un corps politique indépendant, placé entre les trois Cours du Nord, soit que le partage du territoire du Duché de Varsovie entre ces mêmes Cours eut fourni le moyen de compléter les dimensions prévues par les Traités d'Alliance de 1813.

Dès que le sort du Duché de Varsovie a cessé de former un objet de discussion et que, par sa destination à servir d'agrandissement à l'Empire Russe, la question se trouve réduite à la simple évaluation de quelques points de frontière, l'Empereur est assez déterminé à faire céder au bien général ce qui ne se lie qu'à l'intérêt particulier de sa Monarchie, pour qu'il n'hésite pas à subordonner à son désir de conserver la paix et ses rapports d'amitié avec la Russie, les prétentions qu'il avait formées au delà de la possession de Cracovie avec un rayon convenable. Il doit cependant désirer que cette ville, ainsi que Thorn, soient remises à l'Autriche et à la Prusse pour être incorporées à leurs Etats. L'existence indépendante de ces deux villes menacerait au même degré la tranquillité des trois Puissances avoisinantes : placés hors de toute influence directe, bientôt elles serviraient à tous les mécontents de foyers de machinations et de troubles.

Les lignes de la Wartha et de la Nidda offrant la dernière frontière naturelle, et la seule qui soit encore basée sur un idée militaire, l'Empereur ne peut qu'attacher beaucoup de prix à ce que l'on parvienne à les obtenir. Le seul cours de la Nidda n'est cependant plus pour l'Autriche d'une assez grande importance pour que Sa Majesté veuille faire de cet objet un condition *sine quâ non* de son arrangement avec la Russie ; en échange, tout accroissement de territoire que votre Altesse obtiendra pour la Prusse dans le Duché sera regardé par l'Empereur comme une amélioration véritable des arrangements communs.

Sa Majesté remet ces questions entre les mains de votre Altesse, et elle croit que la fixation détaillée des rayons de Cracovie et de Thorn, ainsi que des limites futures de l'Autriche, de la Prusse, et de la Russie, dans le Duché de Varsovie, devrait être incessamment confiée à des officiers d'Etat-Major des armées respectives.

De plus Sa Majesté n'aura pas d'éloignement (si l'Empereur Alexandre insistait sur cette clause) à faire entrer dans les arrangements définitifs avec la Russie, la réserve que la ville de Cracovie ne puisse être fortifiée.

L'Empereur n'ayant rien trouvé dans la note verbale de votre Altesse sur la question constitutionnelle de la Pologne, ni sur celle de la réunion des anciennes Provinces Polonaises Russes aux nouvelles acquisitions de la Russie, Sa Majesté Impériale me fait un devoir d'appeler l'attention du Cabinet Prussien sur un objet aussi essentiel.

Les demandes que nous avons le droit de former à cet égard envers la Russie résultent des engagements que l'Empereur Alexandre a pris spontanément et de lui-même vis-à-vis de nous, pour compenser en quelque sorte le plus de prétentions à des acquisitions territoriales. Il paraît impossible de ne pas faire mention de cette condition dans la marche de nos négociations ultérieures, en liant les promesses de l'Empereur, à ce sujet, aux garanties que nous avons le droit de réclamer pour nos possessions ci-devant Polonaises.

Il reste plusieurs objets non moins importants à régler avec la Russie, au nombre desquels se trouvent des stipulations en faveur de la liberté de la navigation sur la Vistule, &c.

L'Empereur m'a ordonné d'entrer sur ces points en pourparlers directs avec le

Ministère Russe, et de suivre de même directement près Sa Majesté l'Empereur Alexandre la négociation sur les objets ci-dessus mentionnés que votre Altesse a bien voulu porter à la connaissance de Sa Majesté Impériale.

No. 13.

Viscount Castlereagh to the Earl of Liverpool.—(Received January 14.)

(Extract.) *Vienna, January 1, 1815.*

BEFORE I gave my consent to be present at the Conferences on Polish affairs, I thought it right to have an explanatory interview with Count Razumoffsky and Prince Hardenberg for two objects. The first was to desire it might be understood that, by assisting at the arrangement of the details of the intended Polish measure, I was not to be considered as altering or withdrawing any part of the opposition I had felt it my duty to give to the principle of that measure on the part of my Court; that, with this reserve however, I was perfectly ready to contribute, as far as lay in my power, to render the arrangement as little exceptionable as possible in its minor provisions.

The second point which I desired to press was that France might be invited to take a part in the Saxon negotiations.

No. 14.

Viscount Castlereagh to the Earl of Liverpool.—(Received January 23.)

My Lord, *Vienna, January 11, 1815.*

I HAD occasion in my despatch of the 1st instant to report to your Lordship the explanations under which I consented to attend the Conferences on the affairs of Poland.

I now transmit to your Lordship a note which I have thought it my duty to enter upon the Protocol, in order that the sentiments expressed by the Minister of Great Britain on this important subject may remain officially on record, the correspondence which passed between the Emperor of Russian and myself not possessing in strictness, perhaps, that character.

I am convinced that the only hope of tranquillity now in Poland, and especially of preserving to Austria and Prussia their portions of that kingdom, is for the two latter States to adopt a Polish system of administration as a defence against the inroads of the Russian policy. I have pressed this in both our last Conferences, and Prince Metternich acquiesces in the principle.

My object in this note has been to avoid, as much as possible, the revival of unavailing contention, and to confine myself within the limits of an explanation equally due to my Court and to myself.

I have, &c.
(Signed) CASTLEREAGH.

Inclosure in No. 14.

*Memorandum by Viscount Castlereagh.**

THE Undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs and Plenipotentiary to the Congress of Vienna, in desiring that the present note concerning the affairs of Poland may be entered on the Protocol, has no intention to revive controversy, or to impede the progress of the arrangements now in contemplation. His only object is to avail himself of this occasion of temperately recording, by the express orders of his Court, the sentiments of the British Government upon an European question of the utmost magnitude and importance.

The Undersigned has had occasion in the course of the discussions at Vienna, repeatedly and earnestly to oppose himself, on the part of his Court, to the erection of a Polish Kingdom in union with, and making a part of, the Imperial Crown of Russia.

The desire of his Court to see a free and independent State under a distinct Dynasty established in Poland has uniformly been avowed, and if the Undersigned has not been directed to press such a measure on the part of his Court, it has only arisen from a

* For the amended Memorandum, see Inclosure 2 in No. 15.

disinclination to excite, under all the apparent obstacles to such a measure, expectations which might prove an unavailing source of discontent among the Poles.

The Emperor of Russia continuing, as it is declared, to adhere to his purpose of erecting that part of the Duchy of Warsaw which is to fall under His Imperial Majesty's dominion, together with his other Polish provinces, in whole or in part, into a kingdom under the Russian seeptre; and their Austrian and Prussian Majesties, the Sovereigns most immediately interested, having ceased to oppose themselves to such an arrangement; the Undersigned (adhering, nevertheless, to all his former representations on this subject), has only sincerely to hope that none of those evils may result from this measure to the tranquillity of the North, and to the general equilibrium of Europe, which it has been his painful duty to anticipate.

But in order to obviate as far as possible such consequences, it is of essential importance to establish the public tranquillity throughout the territories which formerly constituted the Kingdom of Poland, upon some solid and liberal basis of common interest, by applying to all, however various may be their political institutions, a congenial and conciliatory system of administration. Experience has proved that it is not by counteracting all their habits and usages as a people, that either the happiness of the Poles or the peace of that important portion of Europe can be preserved. A fruitless attempt, too long persevered in by institutions foreign to their manners and sentiments, to make them forget their existence, and even language as a people, has been sufficiently tried, and failed. It has only tended to excite a sentiment of discontent and self-degradation, and can never operate otherwise than to promote commotion and to awaken them to a recollection of past misfortunes.

The Undersigned, for these reasons, and in cordial concurrence with the suggestions which have been thrown out, and which appear to have been favourably received by the respective Cabinets in the course of the present Conferences, ardently desires that the illustrious Monarchs to whom the destinies of the Polish nation are confided, may be induced, before they depart from Vienna, to take an engagement with each other to treat as Poles, under whatever form of political institution they may think fit to govern them, the portions of that nation that may be placed under their respective sovereignties.

The knowledge of such a determination will best tend to conciliate the general sentiment to their rule, and to do honour to the several Sovereigns in the eyes of their Polish subjects. This course will consequently afford the surest prospect of their living peaceably and contentedly under their respective Governments.

If such should happily be the result, the object which the Prince Regent has most at heart, namely, the happiness of that people, will have been secured; and it will only remain for His Royal Highness most anxiously to hope that none of those dangers to the liberties of Europe may hereafter be realized, which may justly be apprehended from the reunion of a powerful Polish monarchy with the still more powerful Empire of Russia, if at any time hereafter the military force of both should be directed by an ambitious and warlike Prince.

No. 14.

Viscount Castlereagh to the Earl of Liverpool.—(Received February 2.)

My Lord, *Vienna, January 22, 1815.*

I TRANSMIT to your Lordship an amended copy of my note on Polish affairs.

The French Minister not being associated to our discussions upon Poland, I deemed it proper to transmit a copy to him. I inclose Prince Talleyrand's answer.

I send the Russian reply to my note, as entered upon the Protocol by Count Razumoffsky.

I have, &c.
(Signed) CASTLEREAGH.

Inclosure 1 in No. 15.

Circular Note addressed by Viscount Castlereagh to the Plenipotentiaries of the Conference.

Vienna, January 12, 1815.

LORD CASTLEREAGH, deeming it his duty under the orders he has received shortly to record the sentiments of his Court upon the Polish arrangement now in progress, takes

leave, as the least inconvenient mode of doing so, to send the accompanying note (circular) to his colleagues, requesting, if they see no objection, that it may make a part of the Protocol of their last Conference.

Inclosure 2 in No. 15.

Memorandum by Viscount Castlereagh.

THE Undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs and Plenipotentiary to the Congress of Vienna, in desiring the present note concerning the affairs of Poland may be entered on the Protocol, has no intention to revive controversy, or to impede the progress of the arrangements now in contemplation. His only object is to avail himself of this occasion of temperately recording, by the express orders of his Court, the sentiments of the British Government upon an European question of the utmost magnitude and importance.

The Undersigned has had occasion in the course of the discussions at Vienna, for reasons that need not now be gone into, repeatedly and earnestly to oppose himself, on the part of his Court, to the erection of a Polish Kingdom in union with and making a part of the Imperial Crown of Russia.

The desire of his Court to see an independent Power, more or less considerable in extent, established in Poland under a distinct Dynasty, and as an intermediate State between the three great Monarchies, has uniformly been avowed; and if the Undersigned has not been directed to press such a measure, it has only arisen from a disinclination to excite, under all the apparent obstacles to such an arrangement, expectations which might prove an unavailing source of discontent among the Poles.

The Emperor of Russia continuing, as it is declared, still to adhere to his purpose of erecting that part of the Duchy of Warsaw which is to fall under His Imperial Majesty's dominion, together with his other Polish provinces, either in whole or in part, into a Kingdom under the Russian sceptre; and their Austrian and Prussian Majesties, the Sovereigns most immediately interested, having ceased to oppose themselves to such an arrangement,—the Undersigned adhering, nevertheless, to all his former representations on this subject, has only sincerely to hope that none of those evils may result from this measure to the tranquillity of the North, and to the general equilibrium of Europe, which it has been his painful duty to anticipate. But in order to obviate as far as possible such consequences, it is of essential importance to establish the public tranquillity throughout the territories which formerly constituted the Kingdom of Poland, upon some solid and liberal basis of common interest, by applying to all, however various may be their political institutions, a congenial and conciliatory system of administration.

Experience has proved that it is not by counteracting all their habits and usages as a people that either the happiness of the Poles, or the peace of that important portion of Europe, can be preserved. A fruitless attempt, too long persevered in, by institutions foreign to their manners and sentiments to make them forget their existence, and even language, as a people, has been sufficiently tried and failed. It has only tended to excite a sentiment of discontent and self-degradation, and can never operate otherwise than to provoke commotion and to awaken them to a recollection of past misfortunes.

The Undersigned, for these reasons, and in cordial concurrence with the general sentiments which he has had the satisfaction to observe the respective Cabinets entertain on this subject, ardently desires that the illustrious Monarchs to whom the destinies of the Polish nation are confided, may be induced, before they depart from Vienna, to take an engagement with each other to treat as Poles, under whatever form of political institution they may think fit to govern them, the portions of that nation that may be placed under their respective sovereignties. The knowledge of such a determination will best tend to conciliate the general sentiment to their rule, and to do honour to the several Sovereigns in the eyes of their Polish subjects. This course will consequently afford the surest prospect of their living peaceably and contentedly under their respective Governments.

If such should happily be the result, the object which His Royal Highness the Prince Regent has most at heart, namely, the happiness of that people, will have been secured; and it will only remain for His Royal Highness most anxiously to hope that none of those dangers to the liberties of Europe may ever be realized which might justly be apprehended from the reunion of a powerful Polish Monarchy with the still more powerful Empire of Russia, if at any time hereafter the military force of both should be directed by an ambitious and warlike Prince.

Inclosure 3 in No. 15.

Prince Talleyrand to Viscount Castlereagh.

My Lord, *Vienne, le* 13 *Janvier*, 1815.

J'AI lu avec grand plaisir la note que vous m'avez fait l'honneur de m'adresser hier au soir et donc vous désirez que le contenu soit inséré au Protocole de nos Conférences.

Votre Excellence sait que la France partageait le vœu de la Grande Bretagne pour le rétablissement du Royaume de Pologne dans un état d'indépendance parfaite. Ce vœu, qui se trouve exprimé dans ma lettre à M. de Metternich, dont j'ai eu l'honneur d'adresser une copie à votre Excellence, comprend implicitement tous ceux que vous formez, ce qui sont si bien exposés dans votre note, pour assurer à un peuple à qui il nous a été impossible de faire recouvrir son ancienne existence, tous les avantages que comporte la situation où il va se trouver. Je partage sans réserve tous les sentiments de votre Excellence à cet égard, et j'adhère bien cordialement à toutes les propositions que vous avez l'intention de faire.

Agréez, &c.

(Signé) LE PCE. DE TALLEYRAND.

Inclosure 4 in No. 15.

Count Razumoffsky to Viscount Castlereagh.

Vienne, le $\frac{7}{19}$ *Janvier*, 1815.

LE Comte de Razumoffsky a porté à la connaissance de l'Empereur son auguste Maitre le contenu de la note circulaire qui lui a été adressé par Milord Castlereagh en date du 12 de ce mois. Il a reçu l'ordre de répondre aux considérations qui en font l'objet par la note ci-jointe qu'il a l'honneur de lui transmettre, en se réservant de la communiquer à ses autres collègues, afin qu'elle soit également insérée au Protocole.

Le Comte de Razumoffsky saisit, &c.

Inclosure 5 in No. 15.

Russian Answer to Viscount Castlereagh's Memorandum.

Vienne, le $\frac{7}{19}$ *Janvier*, 1815.

LA note remise par M. le Vicomte de Castlereagh, Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères et Son Plénipotentiaire au Congrès de Vienne, insérée au Protocole des Conférences, et qui a trait aux arrangements des affaires de Pologne, a été portée à la connaissance de Sa Majesté l'Empereur de toutes les Russies,

Le Soussigné, après avoir pris à cet égard les ordres de son auguste Maître, se fait un devoir de communiquer la réponse suivante, et prie également ses collégues de la faire insérer dans le Protocole.

La justice et la libéralité des principes consignés dans la note Anglaise ont fait éprouver à Sa Majesté Impériale la plus vive satisfaction. Elle s'est plue à y reconnaître les sentiments généreux qui caractérisent la nation Britannique et donnent la juste mesure des vues grandes et éclairées de son Gouvernement.

Leur conformité avec ses propres intentions et surtout les développements que le Plénipotentiaire de Sa Majesté Britannique a donnés dans cet écrit à ces maximes politiques, en les applicant à la négociation actuelle, ont été envisagés par Sa Majesté l'Empereur comme très propres à favoriser les mesures conciliatoires proposées par elle à ses Alliés, dans l'unique but de contribuer à l'amélioration du sort des Polonais, autant que le désir de protéger leur nationalité peut se concilier avec le maintien d'un juste équilibre entre les Puissances de l'Europe, qu'une nouvelle répartition des forces doit désormais rétablir.

A cette considération se joignent celles non moins importantes qui démontrent l'impossibilité de faire renaître dans l'ensemble de ses combinaisons primitives cet ancien système politique de l'Europe dont l'indépendance de la Pologne ferait partie.

La réunion de ces motifs a dû nécessairement borner la sollicitude de Sa Majesté Impériale en faveur de la nation Polonaise au seul désir de procurer aux Polonais sujets respectifs des trois Parties Contractantes un mode d'existence qui satisfasse leurs vœux légitimes et qui leur assure tous les avantages compatibles avec les convenances particulières de chacun des Etats sous la souveraineté desquels ils se trouvent placés.

Tel est l'esprit de modération qui a dicté toutes les transactions réglementaires que Sa Majesté Impériale a jugé nécessaire de proposer à ses augustes Alliés. En favorisant et en appuyant, par la coopération la plus amicale, l'accomplissement des mesures tendantes à améliorer le sort des Polonais, et par cela même à cimenter leur attachement pour les

dominations respectives auxquelles ils sont affiliés, l'Empereur croit avoir prouvé toute la droiture et la loyauté de ses intentions. Sa Majesté envisage ce ralliement des Polonais à leurs Gouvernements et à leurs Souverains, moyennant une équitable conciliation de leurs intérêts les plus chers, comme l'unique garantie des rapports permanents qu'il est essentiel de consolider entre les trois Etats, tant pour la sécurité réciproque de leurs possessions que pour le repos de l'Europe entière.

L'ambition d'un Souverain légitime ne peut tendre qu'à assurer le bonheur des peuples que la Providence lui a confiés, et qui ne peuvent prospérer que sous l'égide d'une parfaite sécurité, et par une attitude calme sans être aggressive.

Nulle force ne peut mieux garantir le repos universel de l'Europe et les vues pacifiques des Etats les uns à l'égard des autres, que cette puissance de cohésion qui dérive de l'attachement d'un peuple pour sa terre natale, et du sentiment de sa félicité. Tels sont les liens par lesquels Sa Majesté l'Empereur de Russie désire attacher à son Empire les Polonais placés sous son gouvernement. Tels sont aussi les vœux qu'il forme pour voir le même résultat salutaire se réaliser dans les Etats des Souverains ses alliés, dont il apprécie les veus éclairées et les intentions généreuses.

En conséquence Sa Majesté se plait à croire que le système conciliatoire et adapté aux circonstances qu'elle a suivi dans la présente négociation, suffit pour bannir toute inquiétude et pour en faire disparaître jusqu'au moindre prétexte, si toutefois la réunion d'une partie de la nation Polonaise à son Empire par des liens constitutionnels avait pu y donner lieu.

Mais indépendamment même des considérations qui résultent des principes sur lesquels vont se fonder les relations entres les Parties Contractantes, l'Empereur en appelle avec confiance à sa conduite passée, pour répondre à tout soupçon, qui se perd dans le vague des combinaisons futures. Il est dans la ferme persuasion que le seul aperçu de ce qu'il a entrepris et achevé à la tête de son peuple, dans la vue de rétablir et de consolider l'indépendance des Etats Européens, présente la garantie la plus rassurante du maintien de ce système d'équilibre, qui, placé désormais sous la sauvegarde des Puissances du premier ordre et à l'abri de toute prépondérance, aura acquis par la politique loyale de la Russie les moyens de résister, s'il le faut, à la force même qui aura le plus contribuée à l'établir.

D'ailleurs Sa Majesté Impériale s'applaudit de la conformité d'intentions et de sentiments manifestées en cette occasion par Son Altesse Royale le Prince Régent d'Angleterre, ainsi que de l'esprit de conciliation dont le Vicomte de Castlereagh est constamment animé. Elle se plait à en tirer le plus heureux présage pour l'issue des négociations actuelles.

No. 16.

The Duke of Wellington to Viscount Castlereagh.—(*Received March* 2.)

(Extract.) *Vienna, February* 18, 1815.

PRINCE RADZIVIL called upon me yesterday, and after adverting to the promises made by the Emperor of Russia to the Poles, and reading the Constitution according to which His Majesty had promised they should be governed, he said that he was apprehensive that His Majesty would be under the necesssity of departing from his promises to please his Russian subjects; and that even if the system should be completely carried into execution in the Duchy of Warsaw, it would not be extended to the Polish provinces which had been under the dominion of Russia before the war; and that in the meantime the Prussian and Austrian Governments, but particularly the latter, showed but little inclination to adopt the liberal principles in regard to the Poles recommended by your Lordship to those Powers. Under these circumstances Prince Radzivil expressed a wish that the subject should be taken up again in the Conferences of the five Powers, and that I should propose that the Emperor should take upon himself the title of "King of Poland," and should govern all his Polish subjects according to the Constitution His Majesty had promised them, and that the other Powers should conform to the same as far as was practicable.

I could not discover, from what he said, whether Prince Radzivil had or not been sent by the Emperor; but I told him that I could not again revive the subject of Poland, nor could I repeat unnecessarily what your Lordship had entered upon the Protocol of the Conferences of the five Powers regarding that Kingdom. That it would be highly satisfactory to us to find that the Poles were well governed by the different Powers under which they were placed, and we should applaud any liberal system according to which any

of the Powers should announce to the world that they intended to govern their Polish subjects; but that it was impossible for us to propose such a system, or to go farther than your Lordship had done.

The object of this conversation appeared to be the same as that of Prince Czartorizky with your Lordship on the same subject, and as I cannot believe that the Emperor is desirous to get rid of the embarrassment in which he find himself by the importunities of his Polish subjects on the one hand, and the objections of the Russians to the system proposed for the government of Poland on the other, by our interference, I conclude that these communications are quite unauthorized, and are made by the Poles with a view to bring the Emperor's sincerity to a test by our means.

No. 17.

Extract from the Protocol of Conference held at Vienna February 21, 1815.

Présents:

MM. le Comte de Razumoffsky,
Le Prince de Metternich,
Le Prince de Talleyrand,
Le Duc de Wellington,
Le Prince de Hardenberg,
Le Baron de Humbold,
Le Comte de Capo d'Istria,
Le Baron de Wessenberg.

LORD CASTLEREAGH ayant adressé une note circulaire en date du 12 Janvier dernier, relativement aux affaires de Pologne, et cette note n'ayant pas été consignée au Protocole, attendant qu'elle avait été remise dans l'intervalle d'une séance à l'autre, il a été convenu entre MM. les Plénipotentiaires de la faire insérer au Protocole de ce jour. Elle y est consignée sous la lettre M.

MM. les Plénipotentiaires de la Russie déposent également au Protocole la réponse qu'ils y ont faite le 19 Janvier dernier. Elle est jointe au présent Protocole *sub* lettre N.

MM. les Plénipotentiaires d'Autriche ayant porté ces deux notes à la connaissance de leur auguste Maître, ont l'ordre de faire à ce sujet la déclaration ci-jointe *sub* lettre O. Cette déclaration tient lieu en même temps de réponse à la demande qu'avaient faite MM. les Plénipotentiaires Russes par l'Article 2 de leurs observations (présentées *sub* No. 9 dans la séance du 9 Janvier), savoir, "que les explications verbales de MM. les Plénipotentiaires d'Autriche, relativement à la nationalité Polonaise, fussent consignées par écrit."

MM. les Plénipotentiaires de Sa Majesté le Roi de Prusse demandent aussi consignation au Protocole de la déclaration faite au nom de leur Cour, en réponse au mémoire de M. le Vicomte Castlereagh; cette réponse, qui est sous la date du 30 Janvier, est jointe ici, *sub* lettre P.

A cette occasion M. le Prince de Talleyrand, premier Plénipotentiaire de Sa Majesté le Roi de France, a observé que Lord Castlereagh lui ayant également adressé la note circulaire du 12 Janvier dernier, ci-dessus rappelée, il y a répondu en exprimant l'assentiment de Sa Majesté le Roi de France aux principes exposés par M. le Plénipotentiaire de Sa Majesté Britannique.

Lecture faite des déclarations de la part de l'Autriche et de la Prusse, MM. les Plénipotentiaires de la Russie se réservent de transmettre ces pièces à leur auguste Maître.

Annex M to the Protocol of Conference held at Vienna, February 21, 1815.

Circular Note and Memorandum by Viscount Castlereagh, January 12, 1815.

[See Inclosures 1 and 2 in No. 15.]

Annex N to the Protocol of Conference held at Vienna, February 21, 1815.

Count Razumoffsky to Baron Metternich.

Vienne, le $\frac{7}{19}$ *Janvier*, 1815.

LE Comte de Razumoffsky ayant reçu de la part de M. le Vicomte de Castlereagh une note circulaire concernant les affaires de Pologne, se fait un devoir de communiquer

à M. le Ministre d'Etat et des Affaires Etrangères le Prince de Metternich la réponse qu'il a adressée par ordre de l'Empereur son Maître au Plénipotentiaire de Sa Majesté Britannique à l'effet d'être insérée au Protocole.

Il saisit, &c.

Russian Answer to Viscount Castlereagh's Memorandum.

[See Inclosure 5 in No. 12.]

Annex O to the Protocol of Conference held at Vienna, February 21, 1815.

Memorandum by the Austrian Plenipotentiaries.

SA Majesté Impériale et Royale Apostolique ayant pris connaissance des déclarations relatives aux affaires de Pologne du 12 et du $\frac{19}{7}$ Janvier dernier, déposées au Protocole des Conférences par MM. les Plénipotentiaires d'Angleterre et de Russie, a ordonné à ses Plénipotentiaires de déposer également au Protocole la déclaration suivante.

La marche que l'Empereur a suivie dans les importantes négociations qui viennent de fixer le sort du Duché de Varsovie ne peut avoir laissé de doutes aux Puissances que non seulement le rétablissement d'un Royaume de Pologne indépendant, et rendu à un Gouvernement National Polonais, eût completement satisfait aux vues de Sa Majesté Impériale, mais qu'elle n'eût pas même regretté de plus grands sacrifices pour arriver à la restauration salutaire de cet ancien ordre de choses.

Il suffit sans doute de ce fait pour prouver que l'Empereur est éloigné d'entrevoir dans ce qui se rapporte à la nationalité Polonaise un motif de jalousie ou d'inquiétude pour la généralité de son Empire. Dans aucun temps l'Autriche n'avait vu dans une Pologne libre et indépendante, une Puissance rivale et ennemie ; et les principes qui avaient guidé les augustes prédécesseurs de l'Empereur, et Sa Majesté Impériale elle-même, jusqu'aux époques des partages de 1773 et de 1797, n'ont été abandonnés que par un concours de circonstances impérieuses, et indépendante de la volonté des Souverains de l'Autriche.

Jaloux dès lors d'accomplir fidèlement ses nouveaux engagements, et lié par des stipulations expresses au système de partage, l'Empereur ne dévia en aucune manière des principes adoptés par les trois Cours. Sa Majesté Impériale ne pouvant régler les formes de son gouvernement sur un ordre de choses abrogé, borna ses soins à veiller au bonheur de ses sujets Polonais.

L'état de culture et de prospérite de la Galicie, comparé à ce qu'elle était avant sa réunion à l'Autriche, à ce qu'elle était même avant le règne de l'Empereur, prouve que ses soins n'ont pas été vaines.

L'Empereur ayant de nouveau, dans le cours des présentes négociations, subordonné ses vœux en faveur de l'indépendance de la Pologne aux grandes considérations qui ont porté les Puissances à sanctionner la réunion de la majeure partie du ci-devant Duché de Varsovie à l'Empire Russe, Sa Majesté Impériale n'en partage pas moins les vues libérales de l'Empereur Alexandre en faveur des institutions nationales que Sa dite Majesté Impériale a résolu d'accorder aux peuples Polonais.

Sa Majesté l'Empereur et Roi ne cessera de son côté à veiller au bien-être de ses sujets Polonais, avec cette sollicitude paternelle qu'il voue avec une justice également distributive aux peuples de différente que la Providence a soumises à sa domination. Sa Majesté Impériale est convaincue que les premiers garants du repos et de la force des Etats se trouvent dans le bonheur du peuple, et que ce bonheur est inséparable des justes égards que les Gouvernements portent à la nationalité et aux habitudes de leurs administrés.

L'Empereur croit enfin ne pouvoir mieux manifester combien, dans la question qui se présente, ses intentions sont conformes à ces principes qu'en chargeant ses Plénipotentiaires soussignés de déclarer que Sa Majesté Impériale et Royale Apostolique est à tous égards d'accord avec les points de vue qui ont dicté la déclaration par laquelle Lord Castlereagh exprime les sentiments de sa Cour au sujet du sort futur des peuples Polonais, ainsi qu'avec la réponse qui, à l'ordre de Sa Majesté Impériale de toutes les Russies, a été faite à cette déclaration par note du $\frac{19}{7}$ Janvier dernier.

Vienne, le 21 *Février*, 1815.

(Signé) METTERNICH.
WESSENBERG.

Annex P to the Protocol of Conference held at Vienna, February 21, 1815.

Prince Hardenberg to Viscount Castlereagh.

Vienne, ce 30 *Janvier*, 1815.

LE Soussigné ayant pris les ordres du Roi son auguste Maître sur la note de Milord Vicomte Castlereagh, Principal Sécrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères et son Plénipotentiaire au Congrès de Vienne, concernant les arrangements des affaires de Pologne, s'empresse de témoigner à son Excellence que les principes qui y sont développés, sur la manière d'administrer les Provinces Polonaises placés sous la domination des différentes Puissances, sont entièrement conformes aux sentiments de Sa Majesté. Assurer la tranquillité de ces Provinces par un mode d'administration adapté aux habitudes et au génie de leurs habitants, c'est là réellement l'établir sur la base d'un intérêt commun. C'est en agissant ainsi qu'on montre aux peuples que leur existence nationale peut rester libre de toute atteinte, quel que soit le système politique auquel le sort les a liés; qu'on leur apprend à ne pas confondre des idées qui, quand elles ne sont pas sagement séparées, ne cessent de faire naître dans le repos même de la vie privée des vœux et des espérances vagues de changements futurs; qu'on rattache fortement des sujets de nations différentes à un même Gouvernement, et les réunit dans une même famille.

Guidé par ces maximes, que Sa Majesté Prussienne partage entièrement avec Sa Majesté l'Empereur de toutes les Russies et Son Altesse Royale le Prince Régent de l'Angleterre, elle aura constamment à cœur de procurer à ses sujets, Polonais de nation, tous les avantages qui pourront former un objet de leurs vœux légitimes, et qui seront compatibles avec les rapports de sa monarchie, et le premier but de chaque Etat, de former un ensemble solide des différentes parties qui le composent.

Le Soussigné éprouve une vive satisfaction d'avoir pu exposer au nom de sa Cour à Milord Castlereagh des principes aussi conformes à ceux du Gouvernement Britannique. Il le prie de vouloir bien, au consentement de ses collègues, faire insérer également la note présente au Protocole des Conférences; et profite, &c.

(Signé) HARDENBERG.

No. 18.

Extract from the Protocol of Conference held at Vienna, April 3, 1815.

M. LE Plénipotentiaire de Russie a présenté un Article sur le mode de réunion du Duché de Varsovie, et sur le titre de Czar (" Roi ") de Pologne que Sa Majesté Impérial de toutes les Russies prendra avec les autres titres.

Cet Article, qui est ici annexé *sub* No. 47, est approuvé et paraphé.

(Signé par les Plénipotentiaires.)

ARTICLE XLVII.

LE Duché de Varsovie, à l'exception de la ville libre de Cracovie et de son territoire, ou des Provinces dont il a été autrement disposé en vertu des Articles ci-dessus, est réunie à l'Empire de Russie.

Il y sera lié irrévocablement par sa Constitution pour être possédé par Sa Majesté l'Empereur de toutes les Russies, ses héritiers et ses successeurs à perpétuité.

Sa Majesté Impériale réserve de donner à cet Etat, jouissant d'une administration distincte, l'extension intérieure qu'elle jugera convenable. Elle prendra avec ses autres titres celui de Czar (" Roi ") de Pologne, conformément au Protocole usité et consacré pour les titres attachés à ses autres possessions.

Vu et approuvé.

(Signé) METTERNICH.
HARDENBERG.
TALLEYRAND.
RAZOUMOFFSKY.
CLANCARTY.
HUMBOLD.
WESSENBERG.
CAPO D'ISTRIA.

POLAND.

TRANSLATIONS

Of such Papers contained in the "Correspondence relating to the Negotiations of the Years 1814 and 1815 respecting Poland," as were presented to Parliament on the 26th of June, 1863, without Translations.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

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Translations of such Papers contained in the "Correspondence relating to the Negotiations of the Years 1814 and 1815 respecting Poland," as were presented to Parliament on the 26th of June, 1863, without Translations.

Inclosure 1 in No. 6.

Prince Metternich to Prince Hardenberg.

Vienna, November 2, 1814.

BY order of His Imperial and Royal Apostolic Majesty, the Undersigned, Minister of State and of Foreign Affairs, has the honour to address the present communication to his Highness the Prince de Hardenberg, Chancellor of State of His Prussian Majesty.

The Prussian Cabinet is aware to what extent the views of the Court of Russia regarding the Duchy of Warsaw, which are entirely contrary to the sense of the Treaties under which the allied Sovereigns have united against France, have put obstacles in the way, as much of the adjustment of the interests of the Powers among themselves as of the action of the Congress assembled at this moment in order to determine the new political order of Europe, and to establish a state of peace and of lasting tranquillity.

The Convention signed at Reichenbach on the 27th June, 1813, between the Courts of Austria, of Prussia, and of Russia, stipulates by Article II, "the dissolution of the Duchy of Warsaw, and the partition of the provinces which form it, between the Courts of Austria, of Prussia, and of Russia, according to arrangements to be made by these three Powers." This engagement has been renewed in the Treaties of Amity and Alliance signed by Austria at Töplitz the 9th September, 1813, with the Courts of Berlin and of St. Petersburgh, which in the 4th section of the Ist Article, termed "Separate and Secret," "contain an amicable arrangement between the three Courts of Austria, of Prussia, and of Russia, with reference to the future lot of the Duchy of Warsaw."

The Emperor in invoking the letter and the plainest sense of the reciprocal engagements, considers himself to be giving as convincingly proof of his respect for the faith of Treaties, as he will place beyond doubt the moderation of his demands in the negotiations which he seeks to open on the subject of the partition of the Duchy of Warsaw; and His Imperial Majesty would deem that he was violating engagements which are regarded by him, not alone from the point of view of his own interest, but as the guarantees of the equilibrium of Europe, he would deem himself wanting in what he owes to the welfare and to the repose of his people, did he not insist in the most marked manner upon the execution of the Treaties which will assure to him, no less than to Prussia, a military frontier essential to the safety and to the tranquillity of the two States.

His Majesty addresses himself to the loyalty and to the friendship of His Prussian Majesty as a signatary of these Treaties, in order to make known to His Majesty the Emperor of all the Russias' reclamations and rights which belong to them in common. His Majesty desires no less that the legitimate pretensions of Russia may be satisfied; and he will bring into the negotiations which shall be entered upon between the three Courts for this purpose all the sincerity and spirit of conciliation which characterize him, besides the friendliness and confidence corresponding as much with the stipulations of the Treaties as with the personal relations of the august Sovereigns.

The Undersigned invites the Prince de Hardenberg to reply to the overture which he has the honour to address to him with as little delay as possible, and desires to enter with his Highness into the most frank explanations in the matter which causes their common anxiety, and to concert with him the approaches which they should make towards the Court of Russia in order speedily to arrive at a result satisfactory to all the interested parties.

With the view of facilitating and accelerating the progress of the negotiations, the Undersigned has the honour to propose to his Highness the Prince de Hardenberg to invite Lord Castlereagh to be the spokesman in the name of the two Courts to His Majesty the Emperor of all the Russias, and he believes that he will not less advance the negotiations themselves than give a proof of the frankness of the conduct of his Court by annexing to the present communication a note containing the propositions which the Secretary of

State of His Britannic Majesty might be requested to make in the name of the two Courts. He might be furnished with authority to hear and to transmit to our two Cabinets the counter-propositions of His Imperial Majesty of all the Russias.

The Undersigned will have the honour to advise with the Prince de Hardenberg upon the terms of the communication to be addressed by them conjointly to Lord Castlereagh as soon as he shall know the decision of the Prussian Cabinet.

He hastens, &c.

(Signed) THE PRINCE METTERNICH.

Inclosure 2 in No. 6.

Memorandum by Prince Metternich.

1. Animated by principles the most liberal and the most conformable to the establishment of a system of equilibrium in Europe, and opposed since 1772 to every project for the partition of Poland, Austria is ready to consent to the re-establishment of that Kingdom, free and independent of every foreign influence, on a scale commensurate with its dimensions previously to the first partition, reserving to the neighbouring Powers the demarkation of the respective frontiers upon the principle of mutual convenience.

2. Admitting the little probability that a project of this kind might even be taken into consideration by the Court of Russia, Austria would equally accede to the re-establishment of Poland, as free and independent in its dimensions of the year 1791, with the reserve mentioned in the first proposition.

Austria would in this case join in recognizing the increase of territory which Russia and Prussia might think proper to reserve to themselves on the formation of the new Kingdom, and which would not be incompatible with its existence as an independent political body.

3. On the supposition that the Emperor of Russia should regard this second proposition as equally inadmissible, Austria is ready to recognize the extension of the Russian frontier as far as to the right bank of the Vistula, the course of that river remaining free and belonging in common to the States bordering it on either side. Russia would retain upon the left bank of the Vistula, the city of Warsaw with a rayon, whilst she would cede to Prussia the town of Thorn upon the right bank of the river.

Austria, far from seeking ever to interfere in the matters of the internal administration of her neighbours, would abandon to His Imperial Majesty of all the Russias the task of giving to his Polish Provinces such form of administration as he should judge to be useful and suitable. She would not even oppose the Emperor's giving to his new territorial acquisitions singly, or in conjunction with his other Polish Provinces, the denomination of the "Northern" or "Eastern" Kingdom of Poland: His Imperial and Royal Apostolic Majesty reserving to himself in that case the right of uniting his Polish Provinces under the denomination of "Southern Kingdom of Poland," under such administrative form as he should find both useful and suitable. The same right ought to be reserved to His Prussian Majesty.

No. 8.

Extract from Confidential Memorandum communicated by Prince Hardenberg to Viscount Castlereagh.

THE long conversation which I had in the presence of the King with the Emperor of Russia has not produced more effect than that between Lord Castlereagh and Prince Metternich, although I omitted none of the arguments known to us, and which I need not repeat here. His Imperial Majesty persists in complaining of the obstinacy with which obstacles are put in the way of his plans, while the great services which His Majesty has rendered to the common cause have contributed so efficaciously not only to enable Austria, Prussia, and so many Princes besides to re-enter their ancient States, but had even procured to several amongst them, and particularly to Austria, important and considerable aggrandisement. His Majesty added that, though he considers himself to have a right to ask for some on his own account, he confined himself to a measure which ensured the repose of Europe, by tranquillizing at length a dissatisfied and unquiet nation, and in placing it under the direction of a Cabinet which would know how to restrain it; that his allies, far from looking upon that measure as dangerous, should,

on the contrary, support and favour it; the more so that by drawing tighter the bonds of the alliance of Chaumont, the Emperor was ready to give them all imaginable guarantees, and particularly for their portions of ancient Poland; that he would add to the new kingdom all the Russian provinces formerly Polish: that he would give it a Constitution that would separate it from Russia, and would withdraw all the Russian troops, without exception, beyond the limits of this new kingdom; that, finally, the object about which they were disputing, necessary with regard to public opinion for the purpose he had in view, was too inconsiderable for the allies to attach so much importance to it, and refuse it to him.

My representations as to the line for offensive purposes which the possession of Thorn, Kalisch, Czenstochau, and Cracow, would give to Poland, obtained only the authorization of the Emperor to declare that he would never fortify this last town, nor make a *place d'armes* of it, and that he would enter into a most positive engagement to this effect.

Our interview ended with the most urgent appeals to His Majesty on my part to lend himself to some conciliatory course or other; and to these I added that I thought we should come to an arrangement on the political question, provided that the Emperor yielded to some extent on that of the frontiers.

The day after this conversation, the second letter and the second memorandum of Lord Castlereagh reached His Imperial Majesty through General Lord Stewart. We are ignorant as yet of the effect produced by them; but according to rumours, which I believe to be correct, even Prince Czartoryski is now endeavouring to induce the Emperor to come to some arrangement as to boundaries. I am of opinion that it will be necessary to use all means in order to arrive at a suitable arrangement in that matter, and I shall certainly neglect nothing which might lead us to it; but the more I reflect, the more I feel that on our side we should do well to yield upon the political question, because I see in this course much more of profit than of danger to the repose of Europe in general, and to the neighbours of Russia in particular. I see the strength and power of the latter rather weakened than added to by this new Kingdom of Poland under the sceptre of the same Sovereign. Russia properly named loses very considerable and fertile provinces. United to the Duchy of Warsaw, they will have quite a different Constitution, and one far more liberal than has the rest of the Empire. The Poles will enjoy privileges which do not belong to the Russians. Soon the spirit of either nation will be altogether opposite; then jealousies will hinder unity, embarrassments of every kind will arise, and an Emperor of Russia and of Poland at once will be less an object of dread than a Sovereign over the Russian Empire who should unite to it the greater part of that country, his claim to which is not disputed, in the form of a province. I have no fear lest the subjects of Austria and Prussia, formerly Poles, incessantly striving to join their fellow-countrymen, should excite disturbances. A wise and paternal administration will readily remove all apprehensions of this nature. In a word, the deepest conviction has been formed in my mind, that in endeavouring to hinder the Emperor from re-establishing a Kingdom of Poland under his sceptre, we are working against our own interest, as much for the reasons which I have just dwelt upon as because we deprive ourselves of the best help to negotiation as to the frontiers. I also own that in reflecting on the scheme of establishing three Kingdoms of Poland I see therein great inconvenience, without any real advantage. Should we not by this scheme be fostering that tendency to union which is apprehended, and be establishing that which we desire to destroy? Moreover, the Prussian share in particular, whatever may be the concessions which we may yet succeed in obtaining from the Emperor Alexander, will always be of too little importance to be able to bear the name of kingdom.

Let us then decide on declaring with straightforwardness to the Emperor, that in renouncing the Secret Article of the $\frac{2}{1}\frac{0}{5}$th January, 1797, we will consent to the re-establishment of a Kingdom of Poland, separated from the Empire of Russia, in which he should unite all the Russian provinces, formerly Polish, and should grant them a separate Constitution, provided that he agrees to lend himself to a territorial arrangement which shall content us, and that he guarantees us our Polish States. I shall not push our pretensions with reference to territory further than those which we have already put forward on a former occasion. Austria has frequently declared that she would be contented with Cracow, and the country as far as the Nida, and with the circle of Zamosc, upon which latter she has not even insisted with the same force; Prussia has demanded Thorn and the line of the Wartha. To require at the present time the line of the Vistula, and to refuse to yield more on its left bank than Warsaw with a rayon, it appears to me can but cause increased bitterness, and remove us from our ends. I am aware that the frontier of the Vistula and the Narew would be the one which would give us the best security, but I think it quite impossible to be obtained, the more so as we have never asked for it, and

that to propose it now, as a condition of our consent to the re-establishment of a Kingdom of Poland, would be to defeat the Emperor's plan by cutting off from that kingdom so considerable and so essential a part.

Inclosure in No. 8.

Prince Metternich to Prince Hardenberg.

(Extract.) *Vienna, November* 12, 1814.

WE share the opinion of your Highness, that in consequence of the direct steps which have been taken by Lord Castlereagh towards the Emperor Alexander, the British Cabinet will henceforth be more useful to us as a supporter than as mediator.

To judge by the confidential overture of your Highness, it would appear that the Emperor of Russia would not be indisposed to admit some modifications into the plan which he has last announced with regard to several persons, and with respect to me in particular, as determinations which allowed of no reconsideration. The Emperor my Master had it proposed to you to authorize Lord Castlereagh to listen to the propositions which the Emperor Alexander would make to him, in case he should have rejected our three alternatives, the only propositions which we, conjointly with the British Minister, had judged as possible to be made by the united Cabinets. If we no longer make our proposals proceed through the same channel, the Emperor has, nevertheless, not changed his opinion as to the ground of the questions; being decided not to put forward, even alone, any other propositions than those contained in my last letter to your Highness. He will not the less listen to those which Russia might make. His Imperial Majesty is anxious that it should be the Prussian Cabinet which should, in the existing state of things, undertake to elucidate questions of such high importance; and he would be much obliged, mon Prince, if you will have the goodness to enable him as soon as possible to become acquainted with the final intentions of the Emperor Alexander:—

1. As to the frontiers which he proposes to give to his territorial acquisitions in the Duchy of Warsaw, &c.

2. As to the nature and extent of the political and military engagements which he would be ready to undertake, with the view of limiting the influence of Russia towards a Kingdom of Poland constitutionally united under one and the same sceptre.

3. As to the guarantees which he would engage to give us as regards the security of the state of possession of our formerly Polish provinces.

Inclosure in No. 12.

Prince Metternich to Prince Hardenberg.

(Extract.) *Vienna, December* 10, 1814.

I HAVE submitted to the Emperor the *note verbale* which your Highness did me the honour to leave with me on the 2nd instant. His Imperial Majesty authorizes me to make the following answer on the different points on which it bears.

The first, as the most important of the questions reserved for the negotiations of Vienna, has, no doubt, been that of the settlement of the destiny of the Duchy of Warsaw, In fact, this question contained in itself all the terms calculated to regulate the general affairs of Europe from the point of view of policy and territorial distribution, whether the hitherto Polish provinces had, wholly or in part, been united in one independent political body, placed in the middle of the three Northern Courts, or whether the partition of the territory of the Duchy of Warsaw among these same Courts had furnished the means of completing the dimensions provided for by the Treaties of Alliance of 1813.

Since the future of the Duchy of Warsaw has ceased to form an object of discussion, and as, from its being appropriated towards the enlargement of the Russian Empire, the question finds itself reduced to the simple valuation of certain questions of frontier, the Emperor has almost determined to make that which only belongs to the private interest of his Monarchy give way for the general good, in order that he should not hesitate to make subordinate to his desire to keep the peace and his relations of friendship with Prussia, the pretensions which he had formed beyond the possession of Cracow with a fitting radius. He must, however, wish that this town, as well as Thorn, should be delivered to Austria and Prussia, to be incorporated in their States. The independent existence of these two towns would in an equal degree menace the tranquillity of the three

neighbouring Powers: placed beyond any direct influence, they would soon be made use of by all malcontents as centres of plots and troubles.

The lines of the Wartha and of the Nidda offering the last natural frontier, and the only one which is also based upon military considerations, the Emperor cannot help attaching great importance to their attainment. The course alone of the Nidda is not, however, of such great importance to Austria as to induce His Majesty to make this condition a *sine quâ non* in his arrangement with Russia: in exchange for it, any accession of territory which your Highness shall obtain for Prussia in the Duchy will be looked upon by the Emperor as a real improvement of the common arrangements.

His Majesty leaves these questions in the hands of your Highness, and thinks that the detailed arrangement of the radii of Cracow and of Thorn, as well as the future limits of Austria, Prussia, and Russia, in the Duchy of Warsaw, should be at once confided to officers of the staff of the respective armies.

Moreover, the Emperor will not be averse (if the Emperor Alexander should insist on this clause) to admitting into the definitive arrangements with Russia the reservation that the town of Cracow must not be fortified.

The Emperor having found nothing in your Highness' *note verbale* upon the question of the Constitution of Poland, nor upon that of the union of the former Polish-Prussian Provinces to the new acquisitions of Russia, His Imperial Majesty makes it my duty to call the attention of the Russian Cabinet to so essential an object.

The demands which we have a right to make on Russia on this point spring from the engagements which the Emperor Alexander has taken spontaneously and of his own accord towards us, to compensate in some degree further for pretensions to territorial acquisitions. It seems impossible not to make mention of this condition in the course of our ulterior negotiations, connecting the promises of the Emperor on this subject, with the guarantees which we have a right to claim for our former Polish Possessions.

There remain several no less important points to arrange with Russia, among which are to be found stipulations in favour of the liberty of the navigation on the Vistula, &c.

The Emperor has desired me to enter upon direct communications with the Russian Ministry on these points, and moreover, to follow up directly with His Majesty the Emperor Alexander the negotiation upon the above-mentioned subjects which your Highness has been good enough to bring to the knowledge of His Imperial Majesty.

Inclosure 3 in No. 15.

Prince Talleyrand to Viscount Castlereagh.

My Lord, *Vienna, January* 13, 1815.

I HAVE read with great pleasure the note which you did me the honour to address to me last evening, and the contents of which you wished to be inserted in the Protocol of our Conference.

Your Excellency knows that France shared the wish of Great Britain for the re-establishment of the Kingdom of Poland in a state of perfect independence. This wish, which is expressed in my letter to M. de Metternich, of which I had the honour to send your Excellency a copy, comprises entirely all those wishes which you form, which are so well laid down in your note, to insure to a people to whom we have found it impossible to restore their ancient existence, all the advantages which belong to the situation in which they are about to find themselves. I participate in all the sentiments of your Excellency without reserve in this respect, and I cordially adhere to all the propositions which you intend to make.

Accept, &c.

(Signed) PRINCE OF TALLEYRAND.

Inclosure 4 in No. 15.

Count Razumoffsky to Viscount Castlereagh.

Vienna, January $\frac{7}{19}$, 1815.

COUNT RAZUMOFFSKY has brought to the knowledge of the Emperor his august Master the contents of the circular note which has been addressed to him by Lord Castlereagh, dated the 12th of this month. He has received orders to reply to the obser-

vations which form the object of that note by the note herewith annexed, which he has the honour to transmit, reserving to himself to communicate it to his other colleagues, in order that it may be equally inserted in the Protocol.

Count Razumoffsky avails himself, &c.

Inclosure 5 in No. 15.

Russian Answer to Viscount Castlereagh's Memorandum.

Vienna, January $\frac{7}{19}$, 1815.

THE note sent in by the Viscount Castlereagh, Secretary of State of His Britannic Majesty for Foreign Affairs and his Plenipotentiary at the Congress of Vienna, inserted in the Protocol of the Conferences, and which has reference to the arrangement of the affairs of Poland, has been brought to the knowledge of His Majesty the Emperor of all the Russias.

The Undersigned, after having taken the orders of his august Master in this matter, makes it his duty to communicate the following reply, and likewise begs his colleagues to cause it to be inserted in the Protocol.

The justice and the liberality of the principles recorded in the English note have caused His Imperial Majesty to experience the liveliest satisfaction. His Majesty has been pleased to recognize therein the generous sentiments which characterize the British nation, and give an exact measure of the high and enlightened views of its Government.

Their conformity with his own intentions, and especially the developments which the Plenipotentiary of His Britannic Majesty has given in this paper to those political maxims, by applying them to the present negotiations, have been looked upon by His Majesty the Emperor as very well adapted to favour the conciliatory measures proposed by him to his allies, with the sole object of contributing to the amelioration of the lot of the Poles, as far as the wish to protect their nationality can be reconciled with the maintenance of due equilibrium between the Powers of Europe, which a fresh distribution of power must for the future confirm.

To this consideration are added those not less important ones which prove the impossibility of reviving, in the whole of its original combinations, that ancient political system of Europe of which an independent Poland would form part.

These united considerations have necessarily served to limit the anxious care of His Imperial Majesty concerning the Polish nation, to the sole object of procuring for the Poles, subjects respectively of the three Contracting Parties, a condition of existence which should satisfy their legitimate wishes, and which should ensure to them all the advantages compatible with the requirements of each of the States individually under whose sovereignty they may be placed.

Such is the spirit of moderation which has dictated all the proceedings relative to government which His Imperial Majesty has deemed it necessary to propose to his august Allies. In favouring and supporting, by the most amicable co-operation, the accomplishment of the measures tending to ameliorate the lot of the Poles, and by those very means to cement their attachment to the respective dominations to which they are affiliated, the Emperor believes that he has proved entirely the rectitude and the loyalty of his intentions. His Majesty sees in this gathering of the Poles to their Governments and to their Sovereigns, with the reserve of an equitable conciliation in their dearest interests, the sole guarantee for the permanent relations which it is essential to consolidate between the three States, as much for the security of their possessions among themselves as for the repose of the whole of Europe.

The ambition of a legitimate Sovereign must aim only at assuring the welfare of the people whom Providence has given into his charge, and who cannot prosper but under the ægis of perfect security, and in a calm and unaggressive attitude.

No force can better guarantee the universal repose of Europe and the pacific dispositions of the States towards each other than that strength of cohesion which comes from the attachment of a people for their native land, and from their sense of happiness. Such are the ties by which His Majesty the Emperor of Russia seeks to attach to his Empire the Poles placed under his government. Such, too, are the hopes he entertains of seeing the same salutary result realized in the States of the Sovereigns his allies, whose enlightened views and generous intentions he appreciates.

In consequence, His Majesty is pleased to think that the system of conciliation and agreement with circumstances which he has adopted in the present negotiations is sufficient to remove all uneasiness, and to cause even the smallest pretext for it to disappear, if,

indeed, the union of a part of the Polish nation to his Empire by constitutional ties may have given occasion for it.

But, independently of the considerations which result from the principles upon which will be founded the relations between the Contracting Parties, the Emperor refers with confidence to his past conduct as an answer to every suspicion which is cast in the vague prospect of future combinations. It is in the firm persuasion that a glance only at what he has undertaken and achieved at the head of his people, with the object of re-establishing and consolidating the independence of the European States, presents the most reassuring guarantee for the maintenance of that system of equilibrium which, placed from henceforth under the defence of the Powers of the first rank, and safe from all superior strength, will have acquired, through the loyal policy of Russia, the means of resisting, if required, the very force which will have contributed the most to its establishment.

Moreover, His Imperial Majesty congratulates himself upon the conformity in the intentions and sentiments manifested on this occasion by His Royal Highness the Prince Regent of England, as well as upon the spirit of conciliation with which the Viscount Castlereagh is constantly animated. He rejoices to draw from thence the most happy prognostication of the issue of the present negotiations.

No. 17.

Extract from the Protocol of Conference held at Vienna, February 21, 1815.

Present:

MM. le Comte de Razumoffski,
Le Prince de Metternich,
Le Prince de Talleyrand,
Le Duc de Wellington,
Le Prince de Hardenberg,
Le Baron de Humbold,
Le Comte de Capo d'Istria,
Le Baron de Wessenberg.

LORD CASTLEREAGH having addressed a circular note dated the 12th January, relating to the affairs of Poland, and this note not having been recorded in the Protocol, owing to its having been transferred in the interval from one sitting to another, it has been agreed upon by the Plenipotentiaries to have it inserted in the Protocol of this day. It is recorded therein under the letter M.

The Plenipotentiaries of Russia add also to the Protocol their answer of the 19th of January last. It is annexed to the present Protocol under the letter N.

The Plenipotentiaries of Austria having brought these two notes to the knowledge of their august Master, have orders to make the inclosed declaration under the letter O. This declaration is also an answer to the inquiry which the Russian Plenipotentiary made in Article 2 as to their observations (presented under No. 9 in the sitting of the 9th of January), viz., " that the verbal explanations of the Plenipotentiaries of Austria, relative to Polish nationality, should be recorded in writing."

The Plenipotentiaries of His Majesty the King of Prussia ask also that the declaration made in the name of their Court in answer to the Memorandum of Viscount Castlereagh may be recorded in the Protocol; this answer, which is dated the 30th of January, is annexed here under the letter P.

On this occasion Prince Talleyrand, first Plenipotentiary of His Majesty the King of France, observed that Lord Castlereagh having likewise addressed to him the above-mentioned circular note of the 12th January last, he had replied to it by expressing the assent of His Majesty the King of France to the principles laid down by the Plenipotentiary of His Britannic Majesty.

The declarations on the part of Austria and Prussia having been read, the Plenipotentiaries of Russia reserve to themselves to transmit these papers to their august Master.

Annex M to the Protocol of Conference held at Vienna, February 21, 1815.

Circular Note and Memorandum by Viscount Castlereagh, January 12, 1815.

[See Inclosures 1 and 2 in No. 15.]

Annex M to the Protocol of Conference held at Vienna, February 21, 1815.

Count Razumoffsky to Prince Metternich.

Vienna, January $\frac{7}{19}$, 1815.

COUNT RAZUMOFFSKY having received from Viscount Castlereagh a circular note concerning the affairs of Poland, feels it his duty to communicate to the Minister of State and of Foreign Affairs, Prince Metternich, the answer which he has addressed by order of the Emperor his Master, to the Plenipotentiary of His Britannic Majesty, in order that it may be inserted in the Protocol.

He avails himself, &c.

Russian Answer to Viscount Castlereagh's Memorandum.

[See Inclosure 5 in No. 12.]

Annex O to the Protocol of Conference held at Vienna, February 21, 1815.

Memorandum by the Austrian Plenipotentiaries.

HIS Imperial and Royal Apostolic Majesty having taken into his consideration the declarations respecting the affairs of Poland, of the 12th and $\frac{7}{19}$th January last, recorded in the Protocol of Conferences by the Plenipotentiaries of England and Russia, has instructed his Plenipotentiaries to record likewise in the Protocols the following declaration:—

The course which the Emperor has followed in the important negotiations which have just decided the fate of the Duchy of Warsaw, cannot have left any doubt in the minds of the Powers that, not only the re-establishment of an independent Kingdom of Poland, and given over to a National Polish Government, would have completely satisfied the views of His Imperial Majesty, but that he would not even have regretted greater sacrifices in order to arrive at a wholesome restoration of this former state of things.

It is sufficient for this purpose to prove that the Emperor is far from seeing in what concerns Polish nationality, a motive of jealousy or alarm for his empire in general. At no time has Austria seen in a free and independent Poland a rival and hostile Power; and the principles which have guided the august predecessors of the Emperor, and His Imperial Majesty himself, up to the period of the Partitions in 1773 and 1797, have only been abandoned from a concurrence of imperious circumstances, independent of the will of the Sovereigns of Austria.

Anxious from that time to carry out faithfully his new engagements, and bound by express stipulations to the system of partition, the Emperor has not departed in any manner from the principles adopted by the three Courts. His Imperial Majesty, not being able to regulate the form of his government by an obsolete order of things, confined his care to watching over the happiness of his Polish subjects.

The state of cultivation and prosperity of Galicia compared to what it was before its annexation to Austria, and to what it even was before the reign of the Emperor, proves that this care has not been useless.

The Emperor having during the present negotiations again made his wishes in favour of the independence of Poland subordinate to the great considerations which have brought the Powers to sanction the union of the greater part of the former Duchy of Warsaw to the Russian Empire, His Imperial Majesty does not the less share the liberal views of the Emperor Alexander in favour of the national institutions which His said Imperial Majesty has resolved to grant to his Polish people.

His Majesty the Emperor and King will not cease to watch over the welfare of his Polish subjects with that paternal solicitude which he devotes with even-handed justice the peoples of different origin whom Providence has placed under his dominion. His

Imperial Majesty is convinced that the first guarantees of repose and of the strength of States is to be found in the happiness of the people, and that this happiness is inseparable from the just considerations which Governments have for the nationality and habits of those under their rule.

Finally, the Emperor thinks that he cannot manifest better how much, in the question which presents itself, his intentions are in conformity with his principles, than by charging his Plenipotentiaries to declare that His Imperial and Royal Apostolic Majesty agrees in all respects with the views which dictated the declaration by which Lord Castlereagh expresses the sentiments of his Court on the subject of the future lot of the Polish people, as well as with the answer which by order of His Imperial Majesty of all the Russias has been made to this declaration by the note of January $\frac{19}{7}$th last.

Vienna, February 21, 1815.

(Signed) METTERNICH.
WESSENBERG.

Annex P to the Protocol of Conference held at Vienna, February 21, 1815.

Prince Hardenberg to Viscount Castlereagh.

Vienna, January 30, 1815.

THE Undersigned having taken the orders of the King his august Master upon the note of Viscount Castlereagh, &c., relative to the arrangement of the affairs of Poland, hastens to testify to his Excellency that the principles which are there laid down, as to the mode of administering the Polish Provinces placed under the dominion of the different Powers, are entirely in conformity with the sentiments of His Majesty. To ensure the tranquillity of these Provinces by a method of administration suited to the habits and nature of their inhabitants is the real way to establish it on the basis of a common interest. It is by acting thus that the people are shown that their national existence can remain free from every attack, whatever may be the political system to which fortune has bound them; that they are taught not to confound ideas which, when they are not wisely kept separate, cease not to give rise, even in the repose of private life, to vague wishes and hopes of future changes; that subjects of different nations are made strongly attached to one Government, and are united in one family.

Guided by these maxims, which His Prussian Majesty shares entirely with His Majesty the Emperor of all the Russias and with His Royal Highness the Prince Regent of England, he will constantly have it at heart to procure for his subjects, Poles by nationality, all the advantages which may become the objects of their legitimate aspirations, and which shall be compatible with the relations of his Monarchy, and the first object of each State, that of forming a solid whole out of the different portions which compose it.

The Undersigned experiences a lively satisfaction in having been able, in the name of his Court, to have been able to expound principles so much in conformity with those of the British Government. He begs him to be good enough, with the consent of his colleagues, also to have the present note inserted in the Protocol of the Conferences, and avails, &c.

(Signed) HARDENBERG.

No. 18.

Extract from the Protocol of Conference held at Vienna, April 3, 1815.

THE Plenipotentiary of Russia presented an Article on the mode of union of the Duchy of Warsaw, and on the title of Czar ("King") of Poland, which His Imperial Majesty of all the Russias will take with the other titles.

This Article, which is here annexed under No. 47, is approved and initialled.

(Signed by the Plenipotentiaries.)

ARTICLE XLVII.

The Duchy of Warsaw, with the exception of the free town of Cracow and of its territory, or of Provinces which have been otherwise disposed of in virtue of the above Article, is united to the Empire of Russia.

It shall be irrevocably bound by its Constitution to be possessed by His Majesty the Emperor of all the Russias, his heirs and successors, in perpetuity.

His Imperial Majesty reserves to himself to give to this State, in the enjoyment of a distinct administration, whatever extension of internal privileges he may consider advisable. He will take with his other titles that of Czar (" King ") of Poland, in conformity with the Protocol in use, and applying to the titles attached to his other possessions.

Seen and approved.

(Signed) METTERNICH.
HARDENBERG.
TALLEYRAND.
RAZOUMOFFSKY.
CLANCARTY.
HUMBOLD.
WESSENBERG.
CAPO D'ISTRIA.

PART III.

CORRESPONDENCE

RESPECTING THE

INSURRECTION IN POLAND:

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Correspondence respecting the Insurrection in Poland: 1863.

Earl Russell to Lord Napier.

My Lord, *Foreign Office, June* 17, 1863.

HER Majesty's Government have considered with the deepest attention the despatch of Prince Gortchakoff of the 26th of April, which was placed in my hands by Baron Brunnow on the 2nd of May.

Her Majesty's Government are not desirous, any more than Prince Gortchakoff, of continuing a barren discussion. I will, therefore, pass over all the controversy regarding my previous despatch; I will not endeavour in the present communication to fix the precise meaning of the Article regarding Poland in the Treaty of Vienna, nor will I argue, as Prince Gortchakoff seems to expect I should do, that there is only one form under which good government can be established. Still less will I call in question the benevolent intentions of the enlightened Emperor who has already in a short time effected such marvellous changes in the legal condition of his Russian subjects.

Her Majesty's Government are willing with the Emperor of Russia to seek a practical solution of a difficult and most important problem.

Baron Brunnow, in presenting to me Prince Gortchakoff's despatch, said, "The Imperial Cabinet is ready to enter upon an exchange of ideas upon the ground and within the limits of the Treaties of 1815."

Her Majesty's Government are thus invited by the Government of Russia to an exchange of ideas upon the basis of the Treaty of 1815, with a view to the pacification and permanent tranquillity of Poland.

Before making any definite proposals, it is essential to point out that there are two leading principles upon which, as it appears to Her Majesty's Government, any future Government of Poland ought to rest. The first of these is the establishment of confidence in the Government on the part of the governed.

The original views of the Emperor Alexander I are stated by Lord Castlereagh, who had heard from the Emperor's own lips, in a long conversation, the plan he contemplated.

The plan of the Emperor is thus described by Lord Castlereagh, "To retain the whole of the Duchy of Warsaw, with the exception of the small portion to the westward of Kalisch, which he meant to assign to Prussia, erecting the remainder, together with the Polish provinces formerly dismembered, into a Kingdom under the dominion of Russia, with a national Administration congenial to the sentiments of the people."

The whole force of this plan consists in the latter words.

Whether power is retained in the hands of one, as in the old Monarchy of France,—or divided among a select body of the aristocracy, as in the Republic of Venice,—or distributed among a Sovereign, a House of Peers, and a Representative Assembly, as in England,—its virtue and strength must consist in its being a "national Administration congenial to the sentiments of the people."

The Emperor Alexander II, speaking of the institutions he has given, says, "As to the future, it necessarily depends on the confidence with which these institutions will be received on the part of the Kingdom."

Such an administration as Alexander I intended, such confidence as Alexander II looked for, unhappily do not exist in Poland.

The next principle of order and stability must be found in the supremacy of law over arbitrary will. Where such supremacy exists, the subject or citizen may enjoy his property or exercise his industry in peace, and the security he feels as an individual will be felt in its turn by the Government under which he lives.

Partial tumults, secret conspiracies, and the interference of cosmopolite strangers, will not shake the firm edifice of such a government.

This element of stability is likewise wanting in Poland. The religious liberty guaranteed by the solemn declarations of the Empress Catherine, the political freedom granted by the deliberate Charter of the Emperor Alexander I, have alike been abrogated by succeeding Governments, and have been only partially revived by the present Emperor.

It is no easy task to restore the confidence which has been lost, and to regain the peace which is now everywhere broken.

Her Majesty's Government would deem themselves guilty of great presumption if they were to express an assurance that vague declarations of good intentions, or even the enactment of some wise laws, would make such an impression on the minds of the Polish people as to obtain peace and restore obedience.

In present circumstances, it appears to Her Majesty's Government that nothing less than the following outline of measures should be adopted as the bases of pacification :—

1. Complete and general amnesty.

2. National representation, with powers similar to those which are fixed by the Charter of the $\frac{15}{27}$th November, 1815.

3. Poles to be named to public offices in such a manner as to form a distinct national Administration, having the confidence of the country.

4. Full and entire liberty of conscience ; repeal of the restrictions imposed on Catholic worship.

5. The Polish language recognized in the kingdom as the official language, and used as such in the administration of the law and in education.

6. The establishment of a regular and legal system of recruiting.

These six points might serve as the indications of measures to be adopted, after calm and full deliberation.

But it is difficult, nay, almost impossible, to create the requisite confidence and calm while the passions of men are becoming daily more excited, their hatreds more deadly, their determination to succeed or perish more fixed and immoveable.

Your Lordship has sent me an extract from the St. Petersburgh Gazette of the $\frac{7}{19}$th of May. I could send your Lordship, in return, extracts from London newspapers, giving accounts of atrocities equally horrible committed by men acting on behalf of Russian authority.

It is not for Her Majesty's Government to discriminate between the real facts and the exaggerations of hostile parties.

Many of the allegations of each are probably unfounded, but some must in all probability be true. How, then, are we to hope to conduct to any good end a negotiation carried on between parties thus exasperated?

In an ordinary war, the successes of fleets and armies who fight with courage, but without hatred, may be balanced in a negotiation carried on in the midst of hostilities. An island more or less to be transferred, a boundary more or less to be extended, might express the value of the latest victory or conquest. But where the object is to attain civil peace, and to induce men to live under those against whom they have fought with rancour and desperation, the case is different. The first thing to be done, therefore, in the opinion of Her Majesty's Government, is to establish a suspension of hostilities. This might be done, in the name of humanity, by a Proclamation of the Emperor of Russia, without any derogation of his dignity. The Poles, of course, would not be entitled to the benefit of such an act unless they themselves refrained from hostilities of every kind during the suspension.

Tranquillity thus for the moment restored, the next thing is to consult the Powers who signed the Treaty of Vienna. Prussia, Spain, Sweden, and Portugal must be asked to give their opinion as to the best mode of giving effect to a Treaty to which they were contracting parties.

What Her Majesty's Government propose, therefore, consists in these three propositions :—

1st. The adoption of the six points enumerated as bases of negotiation.

2nd. A provisional suspension of arms, to be proclaimed by the Emperor of Russia.

3rd. A conference of the eight Powers who signed the Treaty of Vienna.

Your Excellency will read and give a copy of this despatch to Prince Gortchakoff.

I am, &c.

(Signed) RUSSELL.

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PART IV.

CORRESPONDENCE

RESPECTING THE

INSURRECTION IN POLAND:

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

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Correspondence respecting the Insurrection in Poland.

Part IV.

Prince Gortchakoff to Baron Brunnow.—(*Communicated to Earl Russell by Baron Brunnow, July* 18.)

M. le Baron, *St. Pétersbourg, le* 1 *Juillet,* 1863.

LORD NAPIER a été chargé de me donner lecture et copie de la dépêche ci-jointe de M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Nous voyons avec plaisir que comme nous Lord Russell reconnaît la stérilité d'une controverse prolongée sur la signification de l'Article I du Traité de Vienne, et que comme nous aussi il désire placer la question sur un terrain qui offrirait plus de chances d'arriver à une solution pratique.

Avant d'aborder ce terrain nous croyons utile d'éclaircir les positions respectives.

Le Cabinet Impérial admet en principe le droit de chaque Puissance signataire d'un Traité d'en interpréter le sens selon son point de vue, en tant du moins que cette interprétation reste dans les limites du sens possible d'après le texte même.

En vertu de ce principe, le Cabinet Impérial ne conteste ce droit à aucun des huit Puissances qui ont concouru à l'Acte Générale de Vienne de 1815. L'expérience a, il est vrai, démontré que l'exercice de ce droit n'aboutit à aucun résultat pratique. Les essais déjà faits en 1831 n'ont réussi qu'à constater des divergences d'opinions.

Néanmoins ce droit existe. Il se renferme dans les limites que je viens d'indiquer, et ne saurait recevoir une plus grande extension que du consentement exprès de la Partie Contractante la plus directement intéressée.

Il dépendait donc du Cabinet Impérial de maintenir la stricte application de ce principe, en présence de la démarche faite auprès de lui dans le courant du mois d'Avril dernier au sujet des événements du Royaume de Pologne.

Si en réponse à cette démarche il a fait un pas de plus, c'est uniquement de son plein gré dans des vues de conciliation, et pour répondre avec courtoisie à une démarche qui portait le même caractère.

J'ajouterai que c'est aussi parceque dans les intentions dont Sa Majesté l'Empereur est animé envers ses sujets Polonais, il n'y avait aucun motif qui pût nous engager à écarter la lumière.

Cette pensée a été parfaitement définie par votre Excellence lorsqu'elle a déclaré à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique que le Cabinet Impérial était prêt à entrer dans un échange d'idées sur la base et dans les limites des Traités de 1815.

Cette déclaration nous la maintenons, et ma dépêche du jour offrira la meilleure preuve que nous persévérons dans les mêmes dispositions.

Ayant ainsi rétabli le véritable et seul caractère de l'invitation que nous avons adressée au Cabinet Anglais, nous nous permettrons, à l'exemple de Lord Russell, de faire précéder les observations que nous avons à communiquer à son Excellence par quelques réflexions en réponse aux questions principielles qu'il a abordées et posées.

Le Principal Secrétaire d'Etat de Sa Majesté Britannique dit que la base de tout gouvernement est la confiance qu'il inspire aux gouvernés, et que l'ascendant de la loi sur l'arbitraire doit être le fondement de l'ordre et de la stabilité.

Nous souscrivons, *à priori,* à ces principes. Nous rappellerons seulement qu'ils ont pour corollaire indispensable le respect de l'autorité. La confiance qu'un Gouvernement inspire aux gouvernés ne dépend pas seulement de ses bonnes intentions, mais aussi de la conviction qu'il a le pouvoir de les réaliser.

Si Lord Russell affirme que des tumultes partiels, des conspirations secrètes et l'ingérence d'étrangers cosmopolites n'ébranleront pas un Gouvernement fondé sur la confiance et le respect des lois, il reconnaîtra aussi qu'il n'y aurait ni confiance ni légalité possibles, si ce Gouvernement admettait qu'une fraction du pays fût induite à chercher en dehors de l'autorité légitimement constituée, dans la rébellion armée avec l'appui de parties hostiles

ou étrangers, le bien-être et la prospérité qu'il avouerait ne pas pouvoir réaliser sans les inspirations du dehors.

Lord Russell nous signale six Articles qu'il considère comme de nature à préparer la pacification du Royaume de Pologne.

En nous les communiquant, le Principal Secrétaire d'Etat de Sa Majesté Britannique entre partiellement dans le point de vue exposé par ma dépêche du 14 Avril.

C'est un échange d'idées et sous cette forme nous n'avons pas d'objections à y faire.

J'ai clairement indiqué dans la dépêche à laquelle je me réfère les germes pratiques posés par notre auguste Maître et les développements que sa pensée se réservait d'y donner quand Sa Majesté en jugerait le moment venu.

En les comparant avec ses propres idées Lord Russell se convaincra que la plupart des mesures qu'il indique sont déjà ou décrétées ou préparées par l'initiative de notre auguste Maître.

M. le Principal Secrétaire d'Etat de Sa Majesté Britannique énonce l'espoir que l'adoption de ces mesures conduirait à une pacification complète et permanente du Royaume de Pologne.

Nous ne saurions partager cet espoir que sous certaines réserves. A notre point de vue, toute réorganisation du Royaume doit être précédée du rétablissement de l'ordre dans le pays. Ce résultat est subordonné à une condition sur laquelle nous avions appelé l'attention du Gouvernement de Sa Majesté Britannique, et qui non-seulement n'est pas remplie, mais n'est pas même abordée, dans la dépêche de Lord Russell ; nous voulons parler de l'assistance matérielle et des encouragements moraux que l'insurrection puise au dehors.

Nous ignorons d'après quels renseignements le Gouvernement de Sa Majesté Britannique s'est formé un jugement sur l'état des choses en Pologne. Nous devons présumer que la source n'en est pas impartiale. Nous voyons en effet, Lord Russell lui-même établir une espèce de parité entre les nouvelles que le " Journal de St. Pétersbourg " publie d'après des données fournies sous le contrôle et la responsabilité des agents réconnus du Gouvernement et les informations de tout genre que les journaux de Londres empruntent, sans discernement ni garantie aucune, aux publications les plus suspectes de la presse révolutionnaire Polonaise.

La confiance qu'inspirent ces publications a plus d'une fois donné lieu à des déclarations qui malgré les démentis formels que les événements leur donnent journellement ont contribué à fausser l'opinion en Angleterre.

C'est ainsi que ce sont propagés à l'égard des braves soldats Russes, qui remplissent en Pologne un pénible devoir avec dévouement et abnégation, des calomnies et des outrages que toute la Russie a ressentis avec une profonde indignation.

Si Lord Russell était exactement informé de ce qui se passe dans le Royaume de Pologne, il saurait comme nous que partout où la rébellion armée a cherché à prendre un corps, à se donner une tête visible, elle a été ecrasée. Les masses y sont restées étrangères, la population rurale s'y montre même hostile, parce que les désordres qui font vivre les agitateurs ruinent les classes laborieuses. L'insurrection ne se soutient que par un terrorisme sans précédent dans l'histoire. Les bandes se recrutent principalement d'éléments étrangèrs au pays. Elle se rassemblent dans les bois, se dispersent au premier choc pour se réunir ailleurs. Lorsqu'elles sont serrées de trop près elles passent la frontière pour rentrer dans le pays sur un autre point.

Politiquement, c'est une mise-en-scène destinée à agir sur l'Europe. Le mot d'ordre des Comités Directeurs du dehors est de maintenir à tout prix l'agitation, afin d'alimenter les déclamations de la presse, d'abuser l'opinion publique, et de pèser sur les Gouvernements, en fournissant l'occasion et le prétexte d'une intervention diplomatique qui amènerait une action militaire.

Tout l'espoir de l'insurrection armée est là, c'est le but auquel elle travaille depuis son origine.

Lord Russell reconnaîtra que dans cette situation les mesures qu'il nous recommande trouveraient difficilement une application pratique. La plupart, je le répète, sont déjà décrétées ; l'état du pays en a jusqu'à présent paralysé l'exécution. Tant que cet état subsistera les mêmes causes produiront les mêmes effets. La présence de bandes en armes, le terrorisme du Comité Central, et l'apparence d'une pression directe du dehors, ôteraient d'ailleurs à ces mesures l'opportunité, la dignité, et l'efficacité qu'on avait pu se promettre de leur adoption spontanée.

Nous irons plus loin. Lors même qu'elles pourraient être mises à exécution avec toute l'extension que leur attribue la pensée du Principal Secrétaire d'Etat de Sa Majesté Britannique, elles n'auraient aucune chance d'atteindre le résultat qu'il a en vue, celui de pacifier le pays.

Si Lord Russell suit attentivement les productions de la presse dévouée aux intérêts de la rébellion Polonaise, il doit savoir que les insurgés ne demandent ni une amnistie, ni une autonomie, ni une représentation plus ou moins complètes. L'indépendance absolue du Royaume ne serait même pour eux qu'un échelon pour arriver au but final de leurs aspirations. Ce but, c'est la domination sur des Provinces où l'immense majorité est Russe de race et de croyance, en un mot c'est la Pologne jusqu'au deux mers qui entraînerait inévitablement la revendication des Provinces Polonaises appartenant à d'autres Puissances voisines.

Nous ne voulons porter aucun jugement sur ces aspirations. Il nous suffit de constater qu'elles existent, et que les insurgés Polonais ne les dissimulent point. Le résultat final auquel elles aboutiraient ne saurait être douteux. Ce serait une conflagration générale que viendrait compliquer les éléments de désordre répandus dans tous les pays, et qui cherchent une occasion favorable pour bouleverser l'Europe.

Nous avons trop de confiance dans la droiture du Principal Secrétaire d'Etat de Sa Majesté Britannique pour admettre qu'il puisse approuver un but aussi inconciliable avec la paix et l'équilibre Européen auquel sont liés les intérêts de la Grande Bretagne qu'avec le maintien des Traités de 1815, qui sont la seule base et le seul point de départ de la démarche qu'il vient de faire auprès de nous.

Lord Russell cite un passage rapporté par Lord Castlereagh, d'un entretien que cet homme d'Etat eut avec l'Empereur Alexandre I en 1815, et qui mentionne le plan formé par ce Souverain de réunir le Duché de Varsovie " avec les Provinces Polonaises anciennement démembrées en un Royaume sous la souveraineté de la Russie, avec une Administration Nationale sympathique aux sentiments du peuple."

Cette pensée était une disposition passagère de l'Empereur Alexandre I, et que ce Souverain n'a pas réalisée, lorsqu'il a pu péser plus mûrement les intérêts de son Empire. En tout cas, cette question doit rester exclue même d'un échange d'idées renfermé dans les limites des Traités de 1815.

La seule stipulation de ces Traités qui ait pu faire mettre en doute que l'Empereur de Russie possédât le Royaume de Pologne au même titre que ses autres possessions, la seule qui ait pu faire rattacher ses droits à une condition quelconque et qui explique la possibilité d'un échange d'idées avec des Cours étrangères sur ses rapports avec cette partie de ses domaines, est la phrase vague de l'Article I, exprimant :—

" Que l'Empereur de Russie se réserve de donner à cet Etat, jouissant d'une Administration distincte, l'extension intérieure qu'il jugera convenable."

Et celle exprimant :—

" Que les Polonais sujets respectifs des Hautes Parties Contractantes obtiendront une représentation et des institutions nationales, réglées d'après le mode d'existence politique que chacun des Gouvernements auxquels ils appartient jugera utile et convenable de leur accorder."

Mais l'histoire de cette époque n'est pas assez reculée pour qu'on ait perdu la mémoire de la position que la Russie occupait au sortir de la crise Européenne terminée par le Traité de Vienne.

Dès lors nous ne serions pas éloignés de la vérité si nous affirmions que la rédaction de l'Article I du Traité de Vienne est émanée de l'initiative personnelle de Sa Majesté l'Empereur Alexandre I. L'entretien avec Lord Castlereagh cité par Lord Russell en est un indice de plus.

D'après ce qui précède M. le Principal Secrétaire d'Etat de Sa Majesté Britannique nous dispensera de répondre à la combinaison d'une suspension d'hostilités. Elle ne résisterait pas à un examen sérieux des conditions nécessaires pour sa mise en pratique. Si l'on voulait définir entre qui elle serait négociée, de quelle nature serait le *status quo* qu'elle aurait à garantir, et qui veillerait à son exécution, on s'apercevrait bientôt que les prévisions du droit public ne sauraient s'appliquer à une situation qui en est la violation flagrante. Sa Majesté l'Empereur doit à sa fidèle armée qui lutte pour le maintien de l'ordre, à la majorité paisible des Polonais qui souffrent de ces déplorables agitations, à la Russie à laquelle elles imposent des sacrifices pénibles, de prendre des mesures énergiques pour les faire cesser. Si désirable qu'il soit de mettre promptement un terme à l'effusion du sang, ce but ne peut être atteint que si les insurgés mettent bas les armes en se confiant à la clémence souveraine. Toute autre combinaison serait incompatible avec la dignité de notre auguste Maître et avec les sentiments de la nation Russe.

Elle aboutirait d'ailleurs à un résultât diamétralement opposé à celui que recommande Lord Russell.

Quant à l'idée d'une Conférence des huit Puissances signataires du Traité de Vienne, qui aurait à délibérer sur les six Articles adoptés comme bases, elle nous présente des inconvénients sérieux sans que nous puissions en déduire aucune utilité.

Si les mesures dont il s'agit sont suffisantes pour la pacification du pays, une Conférence serait sans objet. Si ces mesures devaient être soumises à des déliberations ultérieures il en résultérait une ingérence directe de Puissances étrangères dans les détails les plus intimes de l'Administration,—ingérence qu'aucune Grande Puissance ne pourrait admettre et que certainement l'Angleterre n'accepterait pas dans ses propres affaires.

Une pareille ingérence ne serait ni dans l'esprit ni dans la lettre des Traités de Vienne sur la base desquels nous avons convié les Puissances à un échange d'idées amical. Elle aurait pour résultat d'éloigner encore davantage le but qu'elles se proposent en dépouillant le Gouvernement de son prestige et de son autorité, et en accroissant d'autant plus les prétentions et les illusions des agitateurs Polonais.

La marche qui a été suivi en 1815 nous semble indiquer assez clairement la nature des délibérations qui peuvent s'établir sur des questions touchant d'un côté à l'intérêt général, et de l'autre à des détails administratifs du domaine exclusif des Etats Souverains limitrophes. A cette époque une distinction a été pratiquement établie entre ces deux catégories d'intérêts: les premiers ont fait l'objet de négociations séparées de la part des Cours de Russie, d'Autriche, et de Prusse, entre lesquelles les traditions de l'histoire, un contact permanent, et un voisinage immédiat, créaient une étroite solidarité. Tous les arrangements destinés à régler l'administration intérieure, et les rapports mutuels des territoires Polonais placés lors du Congrès de Vienne sous leur domination respective, ont été consignés dans des Traités séparés conclus directement entre ces **trois Cours le** $\frac{21 \text{ Avril}}{3 \text{ Mai}}$, 1815. Ils ont été successivement complétés par une série de Conventions spéciales toutes les fois que les circonstances l'ont exigé. Les principes généraux mentionnés dans ces Traités et qui pouvaient intéresser l'Europe ont seuls été insérés dans l'Acte du Congrès de Vienne revêtu le $\frac{27 \text{ Mai}}{9 \text{ Juin}}$, de la signature de toutes les Puissances appelées à y concourir.

Aujourd'hui ces principes géneraux ne sont pas en question, mais les détails administratifs et les arrangements intérieurs fourniraient utilement matière à des pourparlers entre les trois Cours, afin de mettre la position respective de leurs possessions Polonaises auxquelles s'étendent les stipulations des Traités de 1815, en harmonie avec les nécessités présentes et les progrès du temps. Le Cabinet Impérial se déclare, dès aujourd'hui, prêt à entrer dans une semblable entente avec les Cabinets de Vienne et de Berlin.

Dans tous les cas le rétablissement de l'ordre est une condition indispensable qui doit précéder toute application sérieuse des mesures destinées à la pacification du Royaume.

Cette condition dépend beaucoup de la résolution des Grandes Puissances de ne point se prêter aux calculs que les fauteurs de l'insurrection Polonaise fondent ou accréditent sur une intervention active en faveur de leurs aspirations exagérées.

Un langage net et catégorique de la part de ces Puissances contribuerait à dissiper ces illusions et à déjouer ces calculs qui tendent à prolonger le désordre et l'excitation des esprits.

Elles accéléreraient par là le moment que nous appelons de nos vœux—celui où l'apaisement des passions et le retour de l'ordre matériel permettront à notre auguste Maître de travailler à la pacification morale du pays, en mettant à exécution les mesures que Sa Majesté maintient, et dans les germes déjà posés et dans les développements qu'elle a fait pressentir.

Votre Excellence voudra bien donner lecture, et laisser copie de la presente dépêche à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Recevez, &c.

(Signé) GORTCHACOFF.

(Translation.)

M. le Baron, *St. Petersburgh, July* 1, 1863.

LORD NAPIER has been instructed to give me the annexed despatch from Her Britannic Majesty's Principal Secretary of State to read, and a copy of it.

We have pleasure in learning that Lord Russell admits with us the barren nature of a prolonged controversy relative to the signification of the 1st Article of the Treaty of Vienna; and that with us, likewise, he desires to place the question upon ground which should offer more opportunities for arriving at a practical solution.

Before taking our stand upon this ground we deem it useful to put in a clear light our positions respectively.

The Imperial Cabinet admits the principle that every Power signing a Treaty has the right to interpret the sense thereof from its own point of view, provided always that that interpretation remains within the limits of the meaning that is possible to be put upon it according to the text itself.

In virtue of this principle the Imperial Cabinet does not dispute this right in any one

of the eight Powers which have concurred in the general proceedings of Vienna of 1815. Experience has, it is true, demonstrated that the exercise of such right issues in no practical result. The experiments made already, in 1831, have had no issue but to place on record the divergence of opinions.

Nevertheless this right exists. It extends as far as the limits which I have indicated above, and is incapable of obtaining a wider range but with the express consent of the Contracting Party most directly interested.

Accordingly it depended upon the Imperial Cabinet to maintain the strict application of this principle, observing the line of action taken towards them in the course of the month of April last, with respect to events which occurred in the Kingdom of Poland.

If, in reply to that appeal, they went further into the subject, it was entirely owing to their perfect readiness to seek to conciliate, and in order to reply with courtesy to an appeal which bore a similar character.

I will add that another cause was, that in the intentions which His Majesty the Emperor cherishes towards his Polish subjects, there was no purpose which could dispose us to remove them from the light.

This consideration was perfectly brought out by your Excellency, when you informed the Principal Secretary of State of Her Britannic Majesty that the Imperial Cabinet was ready to enter upon an exchange of views upon the basis and within the limits of the Treaties of 1815.

That declaration we adhere to, and my despatch of this day will furnish the best proof of our perseverance in the same disposition.

Having thus confirmed the genuine and sole character of the invitation which we have addressed to the English Cabinet, we will permit ourselves, after Lord Russell's example, to precede the observations which we have to communicate to his Excellency by some reflections in reply to the questions which he has entered upon and proposed at the outset.

The Principal Secretary of State of Her Britannic Majesty says that the basis of Government is in every case the confidence which it inspires in the governed, and that the ascendancy of the law over the arbitrary element must be the foundation for order and stability.

A priori, we subscribe to these principles. We will only recall to mind that their indispensable corollary is respect for authority. The confidence with which a Government inspires the governed depends not alone on the goodness of its intentions, but also on the conviction imparted that it has the power of carrying them into effect.

If Lord Russell affirms that partial tumults, secret conspiracies, and the influence of cosmopolite strangers will not shake a Government based upon confidence and respect for the laws, he will also admit that neither confidence nor legal conduct would be possible were that Government to allow that a fraction of the people was vested with the right of seeking elsewhere than under the legitimately constituted authority, by armed rebellion supported by hostile or foreign parties, the well-being and the prosperity which they might declare that they could not realize without the aid of inspirations from abroad.

Lord Russell places before us six Articles which he considers to be of a nature to provide for the pacification of the Kingdom of Poland.

In communicating them to us, Her Britannic Majesty's Principal Secretary of State adopts in part the point of view put forward by my despatch of the 14th April.

This is an exchange of sentiments, and to that form of expression we have no objection to raise.

I have clearly indicated in the despatch to which I refer the germs of practical conduct laid down by our august Master, and the developments reserved in His Majesty's purpose to be given them when he should deem the proper time to be come.

In comparing them with his own views, Lord Russell will convince himself that the greater part of the measures which he points to have already been either decreed or prepared on the initiative of our august Master.

The Principal Secretary of State of Her Britannic Majesty expresses the hope that the adoption of these measures would lead to the complete and permanent pacification of the Kingdom of Poland.

We are unable to share this hope without certain reserves. Viewing the subject as we do, reorganisation of the kingdom must in all cases be preceded by the re-establishment of order in the country. That result is dependent upon a condition to which we had called the attention of the Government of Her Britannic Majesty, and which is not only unfulfilled, but is not even alluded to in the despatch of Lord Russell; we refer to the material assistance and moral encouragements obtained from abroad by the insurrectionists.

We are not aware from what sources of information the Government of Her Britannic

Majesty have formed their judgment of the state of affairs in Poland; we must presume that they are not of impartial origin. Indeed, we find Lord Russell himself establishing a kind of similarity between the news published by the St. Petersburgh journal from statements furnished under the control and upon the responsibility of the recognized agents of the Government, and the information of every kind which the London journals borrow, without discernment or any guarantee, from the most suspected publications of the Polish Revolutionary Press.

The confidence inspired by these publications has more than once given cause for declarations which, in spite of the formal denials given to them by daily events, have contributed to mislead opinion in England.

In this manner have been propagated, in relation to the brave Russian soldiers who fulfil in Poland a painful duty with devotion and self-denial, calumnies and outrages which all Russia has felt with profound indignation.

If Lord Russell were exactly informed of what passes in the Kingdom of Poland, he would know, as we do, that wherever the armed rebellion has striven to acquire substance, to give itself a visible head, it has been crushed. The masses have kept aloof from it, the rural population evinces even hostility to it, because the disorders by which agitators live ruin the industrial classes. The insurrection sustains itself alone by a terrorism unprecedented in history. The bands are recruited principally from elements foreign to the country. They gather together in the woods, and disperse at the first attack to reunite in other places. When they are too closely pressed they cross the frontier to re-enter the country at another point.

Politically, it is a stage display intended to act upon Europe. The principle of action of the directing committees from without is to keep up agitation at all cost, in order to give food for the declarations of the press, to abuse public opinion, and to harass the Governments, by furnishing an occasion and a pretext for a diplomatic intervention which should lead to military action. All the hope of the armed insurrection is in this, it is the object at which it has laboured from its rise.

Lord Russell will admit that in this situation the measures which he recommends to us would with difficulty find application practically. The greater part, I repeat it, have already been decreed; the state of the country has, up to the present time, paralyzed their execution. As long as that condition of things shall subsist the same causes will produce the same effects. The presence of armed bands, the terrorism of the Central Committee, and the appearance of an immediate pressure from without, would moreover take from these measures the fitness of time, the dignity, and the effectiveness, which we could promise ourselves in their spontaneous adoption.

We will go farther. Even when they could be put into execution with the full extension with which they are invested in the mind of the Principal Secretary of State of Her Britannic Majesty, they would have no prospect whatever of attaining the result which he has in view, that of pacifying the country.

If Lord Russell follows attentively the productions of the press devoted to the Polish rebellion, he must be aware that the insurgents demand neither an amnesty, nor an autonomy, nor a representation either more or less complete. The absolute independence of the kingdom even would be for them only a means for arriving at the final object of their aspirations. This object is dominion over Provinces where the immense majority are Russian by race or by religion; in a word, it is Poland extended to the two seas, which would inevitably bring about a claim to the Polish Provinces belonging to other neighbouring Powers.

We desire to pronounce no judgment upon these aspirations. It suffices for us to prove that they exist and that the Polish insurgents do not conceal them. The final result in which they would arrive cannot be doubtful. It would be a general conflagration which the elements of disorder scattered through all countries would be brought to complicate, and which seek for an opportunity to subvert Europe.

We have too much confidence in the justice of the Principal Secretary of State of Her Britannic Majesty to allow that he can approve an object as irreconcileable with the peace and with the equilibrium of Europe, with which are bound up the interests of Great Britain, as they are with the maintenance of the Treaties of 1815, the only basis and the only starting point of the overtures which he has just made to us.

Lord Russell quotes a passage related by Lord Castlereagh of a conversation which that statesman had with the Emperor Alexander I in 1815, and which mentions the project formed by this Sovereign to combine the Duchy of Warsaw "with the Polish Provinces anciently dismembered, into a kingdom under the sovereignty of Russia, with an Administration in accordance with the wishes of the people."

This idea was a passing inclination of the Emperor Alexander I, and one which that

Sovereign did not accomplish when he was enabled to consider more maturely the interests of his Kingdom. At all events, this question must be excluded even in an exchange of ideas made within the limits of the Treaties of 1815.

The only stipulation of these Treaties which can have made it appear doubtful that the Emperor of Russia possessed the Kingdom of Poland by the same title as that by which he holds his other Possessions, the only one which might have made his rights dependent upon any condition whatever, and which explains the possibility of an exchange of ideas with foreign Courts upon the subject of his relations with that portion of his dominions is the vague phrase of Article I, which says—

"That the Emperor of Russia reserves it to himself to give to this State enjoying a distinct administration, such an internal extension as he shall deem advisable."

And that Article, which says—

"That the Poles, the respective subjects of the High Contracting Parties, shall obtain representation and national institutions, regulated in conformity with the mode of the political existence which each of the Governments to which they belong shall deem it expedient and proper to bestow upon them."

But the history of this period is not so remote that the remembrance can be lost of the position which Russia held at the termination of the European crisis which was brought to an end by the Treaty of Vienna.

From that time we should not be far from the truth if we affirmed that the Ist Article of the Treaty of Vienna was prepared by and directly emanated from His Majesty the Emperor Alexander I. The conversation with Lord Castlereagh cited by Lord Russell is an additional evidence of this fact.

After saying this the Principal Secretary of State of Her Britannic Majesty will dispense us from giving an answer to the proposed arrangement for a suspension of hostilities. It would not resist a serious examination of the conditions necessary for carrying it into effect. If it were to be defined between whom it was to be negotiated, of what nature the *status quo* was to be which it would guarantee, and who was to watch over its execution, it would readily be perceived that the previsions of public law could not be applied to a situation which would be a flagrant violation of such law. His Majesty the Emperor owes to his faithful army which struggles for the maintenance of order, to the peaceable majority of Poles who suffer from these deplorable agitations, and to Russia on whom they impose painful sacrifices, to take energetic measures to terminate them. Desirable as it may be speedily to place a term to the effusion of blood, this object can only be attained by the insurgents throwing down their arms and surrendering themselves to the clemency of the Emperor. Every other arrangement would be incompatible with the dignity of our august Master, and with the sentiments of the Russian nation.

It would, besides, have a result diametrically opposed to the one recommended by Lord Russell.

As to the idea of a Conference of the eight Powers who signed the Treaty of Vienna, which should discuss the six points adopted as bases, it presents to us serious inconveniences, without our being able to see in it any advantage.

If the measures in question are sufficient for the pacification of the country, a Conference would be without object. If the measures were to be submitted to ulterior deliberation, there would result a direct interference of foreign Powers in the most intimate details of the administration, an interference that no great Power could admit, and which certainly England would not accept in her own affairs.

Such an interference would be neither in the spirit nor in the letter of the Treaties of Vienna, on the base of which we have invited the Powers to a friendly exchange of ideas. It would result in removing still further the end which they propose to themselves by depriving the Government of its prestige and its authority, and by further increasing the pretensions and illusions of the Polish agitators.

The course which was followed in 1815 appears to us to indicate clearly enough the nature of the deliberations which may take place upon questions bearing, on the one side, on the general interest, and, on the other, upon administrative details of the exclusive dominion of the neighbouring Sovereign States. At that epoch a distinction was practically established between these two classes of interests; the first have been the object of separate negotiations on the part of the Courts of Russia, Austria, and Prussia, between which the traditions of history, a permanent contact, and an immediate neighbourhood created a strict solidarity. All the arrangements destined to regulate the interior administration and the mutual relations of the Polish territories placed, since the Congress of Vienna under their respective dominions, have been laid down in Treaties concluded directly between these three Courts on $\frac{21 \text{ Aprtl}}{3 \text{ May}}$, 1815. They have been successively completed by a series of special Conventions whenever circumstances have required it.

The general principles mentioned in these Treaties, and which could interest Europe, have alone been inserted in the Act of the Congress of Vienna, signed on $\frac{27\ \text{May}}{9\ \text{June}}$ by all the Powers invited to concur in it.

At present it is not a question of these general principles, but the administrative details and ulterior arrangements would furnish useful matter for discussion by the three Courts in order to place the respective position of their Polish possessions, to which the stipulations of the Treaties of 1815 extend, in harmony with present necessities, and the progress of time. The Imperial Cabinet declares itself from the present time ready to enter into a similar understanding with the Cabinets of Vienna and Berlin.

In any case, the re-establishment of order is an indispensable condition which must precede any serious application of the measures destined for the pacification of the Kingdom.

This condition depends greatly upon the resolution of the Great Powers not to lend themselves to calculations which the instigators of the Polish insurrection found on or expect from an active intervention in favour of their exaggerated aspirations.

Clear and categorical language on the part of those Powers would contribute to dissipate these illusions, and to thwart these calculations which tend to prolong the disorder and excitement of public opinion.

They would thus bring nearer the moment which we invoke—that in which the tranquillization of passions and the return of material order will permit our august Master to labour for the moral pacification of the country by putting into execution the measures which His Majesty maintains both in the germs already laid down, and in the developments of them which he has allowed to be foreseen.

Your Excellency will have the goodness to read and give a copy of this despatch to the Principal Secretary of State of Her Britannic Majesty.

Receive, &c.

(Signed) GORTCHAKOFF.

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PART V.

FURTHER CORRESPONDENCE

RESPECTING THE

INSURRECTION IN POLAND:

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

3223

LONDON:
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Further Correspondence respecting the Insurrection in Poland: 1863.

Part V.

No. 1.

Lord Napier to Earl Russell.—(Received July 23.)

My Lord, *St. Petersburgh, July* 18, 1863.

THE French Ambassador was called to Tsarskoé Sélo yesterday, to hear the replies of Prince Gortchakoff to the overtures of the three Powers on behalf of Poland. I had occasion to meet his Excellency in the evening, when he informed me that the Vice-Chancellor desired to see me for the same purpose this forenoon. I found the Duke de Montebello under a very decided impression of the bad effect which the Russian communication would have at Paris. The Duke gave me a brief outline of the tenor of the despatches with which he had been made acquainted. The armistice was rejected—that we had foreseen; the conferences were declined—that we had apprehended; but the six points had not been distinctly adopted, and what was altogether unexpected and most to be deplored, the intervention of France and England were set aside, and proposals were made to enter upon a separate discussion on Polish affairs with Austria and Prussia, as conterminous Powers peculiarly interested, without any apparent provision even for the subsequent participation of the other Powers signataries of the Treaty of Vienna. Such an overture, in the opinion of my French colleague, would be regarded by his Government, not only as unsatisfactory, but as almost insulting, and as tending to a positive and immediate rupture.

I heard the intelligence with surprise and concern, for I fully shared the impression of the Duke in regard to France, and I could not but feel that the determination of the Russian Cabinet would be highly unacceptable to Her Majesty's Government.

After some consultation it was agreed that the French Ambassador should accompany me to Tsarskoé Sélo this morning, in the hope that Prince Gortchakoff might be enabled to give us some explanation of his views, which, on being communicated to our respective Cabinets, might set his intentions in a more favourable light, and mitigate the first impression which the perusal of his despatches would create.

We accordingly waited on Prince Gortchakoff this morning, who placed the three despatches in our hands. After we had carefully read them through apart, we returned to the Prince, when after thanking his Excellency for his communication I spoke to him in the following sense:—I said that I might have abstained from all remarks on the subject, and simply awaited the resolution of Her Majesty's Government. I must beg him to understand that any observations which I might offer were solely prompted by the hope that a fuller explanation of his sentiments on one or two points might be found calculated to mitigate the feelings of dissatisfaction with which his resolutions would probably be received by the allied Governments. I much feared that his communication would be understood in England as an attempt to gain time and to detach Austria from our alliance; that a proposal which at the present conjuncture aimed to exclude two great Powers from the discussion of a question in which they had expressed the deepest and most deliberate interest, would be regarded as far from conciliatory, and even as offensive; that a scheme by which the interests of Poland would be committed exclusively to the hands of the Powers by which Poland had been partitioned, and in past times oppressed, would inspire no confidence; in fact, that no form of reply could, in my humble judgment, have contained fewer elements for a friendly or pacific adjustment. Nevertheless, in the eyes of England at least, there was something to be pleaded in favour of the Russian argument, in so far as it professed, even in restricting the discussions to the three Powers, to go upon the basis of the Treaty of Vienna, which had been adopted by your Lordship as the ground of our mediation. I would ask his Excellency, for your Lordship's immediate information, two questions:—

1. What was the form, and what the basis, which he designed to give to the discussions which he proposed between Austria, Russia, and Prussia? And,

2. Whether he proposed to exclude France and England even from any participation in the ratification of the engagements which might be taken by the three Powers; or whether he proposed to admit them in the same manner and in the same degree in which they had been admitted by the Treaty of Vienna?

The Vice-Chancellor stated, in reply, that the Plenipotentiaries of Austria and Prussia would be received by him at St. Petersburgh, and the results of this restricted Conference might, as in the Treaties of Vienna, be consigned in the form of Protocols, or in that of a Treaty, or in any other shape which might be considered desirable; that the basis of the discussion ("point de départ") would be the six points proposed by the three Powers, which contained nothing contrary to the views of the Emperor, as well as other points which he might deem it his duty to submit.

In reply to my second question, Prince Gortchakoff stated that the resolutions embraced in the Conference of the three neighbouring Powers most directly concerned in the affairs of Poland would be officially imparted to the Governments of England and France, which would be able to appreciate the conformity of those resolutions (which would embody a practical adaptation of the six points) to the spirit and text of the Treaty of Vienna.

I urged the Vice-Chancellor to declare unambiguously whether his resolutions did or did not exclude the logical result to which a strict adherence to the method of the Treaty of Vienna would conduct him, namely, to the embodiment of the results of the restricted Conference in a general Convention, to which all the Powers bound by the engagements of 1815 should be Parties. The Vice-Chancellor did not, perhaps, absolutely commit himself against such a conclusion, but he refused to admit it, and repeatedly asserted that he would accede to nothing which would give the Western Powers any right whatever of interfering in the internal concerns of the Russian Empire, in which he seemed to include the Kingdom of Poland, though I did not cease to contend that we had a limited right of interference there under the Treaty of Vienna.

After a good deal of discussion of a desultory nature, in which the French Ambassador took an active share, the inclosed telegraphic despatch in clear, forwarded to your Lordship under the present date, was drawn up with the approval of Prince Gortchakoff, who sent it off to Baron Budberg and Baron Brunnow.

I can only hope that the part which I have taken in endeavouring to elucidate the views of the Russian Minister may not meet with your Lordship's disapproval. I entered upon the inquiry in the hope of being able to temper the effects of an unfortunate communication, as I deem it, and of furnishing Her Majesty's Government the means of making explanations in Parliament for which the text of Prince Gortchakoff's despatch might not have afforded the materials.

I have not given the Vice-Chancellor the least ground for supposing that the tenour of his despatch to Baron Brunnow, or its present development of its meaning, will be considered satisfactory by Her Majesty's Government.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 1.

Lord Napier to Earl Russell.

(Telegraphic.) *St. Petersburgh, July* 18, 1863.

THE Duke de Montebello and I have asked Prince Gortchakoff in what form and on what basis the discussions proposed by him respecting the affairs of Poland between Austria, Russia, and Prussia would take place, and whether the remaining signatary Powers of the Treaty of Vienna are, in his view, to be excluded from all ulterior share in accepting or ratifying the results of the restricted Conference.

The Vice-Chancellor replies "that the Plenipotentiaries of Austria and Prussia may meet him at St. Petersburgh and consign the common resolutions adopted in the form of Protocols, or of a Treaty, or in any other shape considered desirable. The basis of the proposed discussions would be the six points, which contain nothing in principle contrary to the policy of the Emperor. France and England would be enabled by an official communication of the acts resulting from the deliberation of the restricted Conference, which would contain the practical adaptation of the six points, to appreciate the conformity of those acts with the spirit and the text of the Treaty of Vienna."

No. 2.

Count Rechberg to Count Apponyi.—(*Communicated to Earl Russell by Count Apponyi, July* 24.)

M. le Comte, *Vienne, le* 19 *Juillet*, 1863.

LA dépêche du Prince Gortchakoff à M. de Balabine touche trois points qui concernent tout particulièrement l'Autriche, et sur lesquels le Gouvernement Impérial doit se prononcer catégoriquement avant de s'entendre avec les Gouvernements d'Angleterre et de France sur l'attitude qu'il convient aux trois Puissances de prendre par suite des réponses Russes.

Je ne chercherai pas si une intention secrète a pu diriger le Prince Gortchakoff lorsqu'il a écrit les trois passages dont il s'agit. Je me borne à constater qu'ils tendent à jeter un faux jour sur les intentions de l'Autriche et à la placer dans une position qu'elle ne saurait accepter.

Les trois endroits de la dépêche Russe qui demandent à être relevés de suite sont les suivants :—

1. Celui où le Prince Gortchakoff prétend que notre dépêche du 18 Juin pressent et approuve pour ainsi dire d'avance le refus de la Russie d'adhérer à une Conférence.

2. Celui où une sorte d'assimilation est établie entre les Provinces Polonaises de l'Empire d'Autriche et le pays généralement désigné sous le nom du Royaume de Pologne.

3. Enfin celui où le Gouvernement Russe propose de s'entendre avec l'Autriche et la Prusse pour régler le sort de leurs sujets Polonais respectifs.

J'invite votre Excellence à s'expliquer très nettement sur ces trois points vis-à-vis de Lord Russell, de manière à ne laisser aucun doute sur les sentiments du Gouvernement Impérial.

Quant à la Conférence, notre dépêche du 18 Juin au Comte Thun constate simplement un fait évident en laissant entendre que sa réunion dépend de la participation de la Russie. Il est clair, en effet, qu'on ne saurait négocier en Conférence avec la Russie si cette Puissance s'y refuse. Mais il ne s'en suit pas de là qu'un tel refus ait notre approbation. La proposition d'une Conférence est, au contraire, selon nous, tout à fait acceptable pour le Gouvernement Russe. Nous avons d'ailleurs déjà chargé le Comte Thun par un télégramme de s'exprimer dans ce sens et de rectifier cette interprétation erronée de notre dépêche.

En ce qui regarde l'assimilation entre la Galicie et le Royaume de Pologne nous devons catégoriquement repousser toute insinuation de ce genre.

Enfin, relativement à la forme d'entente proposée par la Russie nous avons également déjà déclaré à St. Pétersbourg que le concert établi entre les trois Cabinets de Vienne, Londres, et Paris constitue entr'eux un lien dont l'Autriche ne peut pas se dégager aujourd'hui pour négocier séparément avec la Russie.

Votre Excellence pourra donner lecture de la présente dépêche à Lord Russell.

Recevez, &c.

(Signé) RECHBERG.

(Translation.)

M. le Comte, *Vienna, July* 19, 1863.

PRINCE GORTCHAKOFF'S despatch to M. de Balabine touches on three points which especially concern Austria, and on which the Imperial Government must declare itself categorically before coming to an understanding with the Governments of England and France, on the attitude to be assumed by the three Powers in consequence of the Russian answers.

I will not inquire whether Prince Gortchakoff was guided by a secret purpose when he wrote the three passages in question. I confine myself to asserting that they tend to throw a false light on the intentions of Austria, and to place her in a position which she cannot accept.

The three passages of the Russian despatch which require to be at once contested are the following :—

1. That in which Prince Gortchakoff pretends that our despatch of the 18th of June anticipates, and so to speak approves beforehand of the refusal of Russia to adhere to a Conference.

2. That in which a sort of assimilation is established between the Polish Provinces of the Empire of Austria, and the country generally designated by the name of the Kingdom of Poland.

3. Lastly, that in which the Russian Government proposes to come to an under-

standing with Austria and Prussia, in order to settle the condition of their respective Polish subjects.

I invite your Excellency to explain yourself very clearly on these three points to Lord Russell, so as to leave no doubt as to the sentiments of the Imperial Government.

As to the Conference, our despatch of the 18th of June to Count Thun simply asserts an evident fact by leaving it to be understood that its meeting depends on the participation of Russia. It is clear, in fact, that we could not negotiate in Conference with Russia if that Power were to refuse to do so. But it does not follow that such a refusal would hsve our approval. On the contrary, the proposal of a Conference, in our opinion, might perfectly be accepted by the Russian Government. We have, moreover, already instructed Count Thun by a telegram to express himself in this sense, and to rectify this erroneous interpretation of our despatch.

With regard to the similarity between Galicia and the Kingdom of Poland, we must categorically reject any insinuation of the kind.

Lastly, with respect to the form of agreement proposed by Russia, we have also already declared at St. Petersburgh that the concert established between the three Cabinets of Vienna, London, and Paris constitutes a connexion between them, from which Austria cannot now disengage herself in order to negotiate separately with Russia.

Your Excellency may read this despatch to Lord Russell.

Receive, &c.

(Signed) RECHBERG.

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DESPATCH

RESPECTING

COOLIE IMMIGRATION

INTO

THE ISLAND OF RÉUNION

FROM

BRITISH INDIA.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated April 17, 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

3138]

RETURN to an Address of the Honourable the House of Commons, dated April 17, 1863;
for—

"A Copy of a Despatch from Her Britannic Majesty's Consul at Réunion respecting Natives of British India held to labour in that Island."

Consul Hill to Earl Russell.—(*Received March* 9.)

My Lord, *Réunion, January* 21, 1863.

I HAVE the honour to make in this despatch a Report to your Lordship on the system, general management, and results of the coolie immigration from British India to this island since the Convention of July 1860.

I must here state that the Returns of British coolies from the French ports of Pondicherry and Karikal were never sent in to this office previous to my arrival in December 1861, either from the idea that the coolies so imported did not come directly under the Convention until July 1862 (an idea entertained by the Governor of Pondicherry in opposition to the opinion of the Governor of Madras), or because my predecessor had not demanded them from the local authorities.

The total number of emigrants embarked, therefore, from Calcutta from January 1861 to December 1861 is as follows:—males 5,462, females 1,529; and from January 1862 to December 1862—males 1,479, females 311 of all ages; and from Pondicherry and Karikal from January to the 31st of December, 1862, as follows:—2,738 male and female of all ages. I am happy to be able to state that whereas the deaths amongst coolies from Calcutta, on board, in lazaretto or quarantine, amounted to 602 during the year ending the 31st December, 1861; only 19 deaths occurred on board and in the lazarettos during the last year.

Quarantine under sail or at anchor has only been resorted to in one instance since August 1861, in the case of the "Richelieu" from Pondicherry, whose Indians were attacked by a severe form of small-pox, and of whom forty-two died after arrival at Réunion, and before their distribution amongst the colonists.

I subjoin a detailed statement of the men and women embarked and disembarked, with the rate of mortality on board and in lazarettos after arrival from Calcutta.

The proportion of females imported has been in accordance with the direction of the Convention.

The number of men who have been placed at the disposition of the Government for public works of the Colony since January 1861, and from French ports since January 1862, has only been 160 or 170.

During the year 1861 and up to about May 1862, the average cost of introducing the coolies from Calcutta amounted to about 400 francs (or 16*l.*) a head; from Pondicherry and Karikal the expense has always been somewhat less; since May 1862 the cost has been reduced to 300 francs.

Although on arrival a great number of men have been classified as "rebutés," and considered by the Committee of Inspection unqualified from age or physical constitution unfitted for hard field labour, and distributed therefore to those who would take them at a reduced rate of expense, only three Calcutta Indians have been sent back to their country since January 1861.

On my first arrival here, finding that the mortality on board and on shore during the year 1861 had been very great, and that a manifest disinclination was exhibited to receiving Calcutta immigrants, I requested to be officially informed how many men had proved so incapable of labour as to necessitate their "repatrie-

ment" to India; and in answer I was informed that only three men were found in the hospitals in such a state, and that on the choice being given to them, two out of three preferred to remain in a "maison de providence," an admirably arranged description of workhouse, to returning to India in a decayed state of health; these three men were blind.

I must here come to a subject which is perfectly inexplicable to me, and for which, in my opinion, no good cause has as yet been assigned; and that is, the great mortality existing in Réunion amongst the Indians brought from Bengal.

The Governor-General of India has been brought to form the conclusion that the fault must arise either from bad treatment of the Indians on board or after arrival in Réunion; his Excellency having accepted the opinion of M. Lamoureux, the French Agent, and recruiters' and other evidence, medical and otherwise, that the class of men recruited for Réunion has always been excellent, and, therefore, that no proof actually exists of a system of bad recruitment.

This opinion of his Excellency as regards the recruitment is in direct contradiction to the reports made on the subject by the late Consul Barwell and myself, and I may say the universal opinion of the Colonists here.

Nor can I,—in the absence of proof of bad treatment on board or on shore, in the former case never, and in the latter never often enough, brought to my notice to lead me to believe that death was so accelerated,—understand why, with a climate preferable to that of Mauritius, the coolies of Bengal should not be as acceptable, and as capable of hard work as in the latter island, or even as the Malabars, who are always favourably received here. I have lately made a most complete inspection of the lazarettos in this island, every assistance being given me by the Governor and his Staff, and I am happy to be able to report that I found everything arranged on the most satisfactory footing in the new establishment; the old lazaretto, which was not so complete, being now virtually abandoned and only used in most urgent cases. I have communicated this to the Governor-General in India, as answer, in part, to the supposition that the men are badly treated on arrival. The returns of deaths and births during the year 1861 were not sent into this office previous to my taking up the Consulate: but I here annex a statement compiled from all the reports I have received up to December 31, 1862.

The carelessness of, or perhaps difficulty experienced by, those whose duty it is in various quarters of the island to compile these returns, must be my apology for not being able to give such detailed statistics as I should like to send. The fact of so many thousands of Indians having been brought here before the Convention, and who are often confused with the others, or not distinctly classified, has, perhaps, a great deal to do with this almost at present unavoidable difficulty.

The average rate of wages for men from Calcutta over 21 years has been since 1861, 5 rupees (10*s.*) for the first three years; 5 rupees 8 annas for the fourth year, and 6 rupees (or 12*s.*) for the fifth year of engagement; those of younger years are paid in proportion.

The women are engaged in India at fixed rates of wages from 5 to 4 rupees per month. The fixed rate of wages from Pondicherry and other French ports is as follows:—Men of 16 to 36, 5 rupees per month; women of 14 to 30, 3 rupees; boys of 11 to 15, 2 rupees; girls of 11 to 14, 2 rupees.

Immediately after making the contract at the above rate of wages, every emigrant engaged in the French possessions is entitled to claim two months' wages in advance. This advance is made repayable by a stoppage of wages by twelve instalments from date of arrival in the Colony. I annex a book containing the conditions of contracts as existing in the French establishments in India, together with the local Arrêté of the Governor of Réunion founded on the Convention of 1860. It is impossible for me to give your Lordship any correct statement as to the number of complaints made in the Courts by emigrants against their masters, or *vice versâ*, as it is not in my province officially to demand such returns from the Government; but I can here state that during the year I find 250 recorded cases of complaints made to me, as Her Majesty's Consul, and which formed subjects of reference under printed or written forms; and I presume I have sent down 150 more cases with my clerk, or acting interpreter, without any papers, to the local authorities for investigation.

Non-payment of wages and alleged bad treatment form the burden of these complaints, and although a good many cases appear to have been well founded, it must always be borne in mind that the word of an Indian is not by any means always to be depended on, and I am not induced to believe that, as a rule, cruelty

owards Indians is either exercised or would it be countenanced; but I must regret he facility with which men are sent to the "atelier," or, as it is more generally alled, to "Macadam," almost I may say at the discretion of the master, sometimes or the most trivial cause, and with little or no real strict and impartial judicial nvestigation, at least in our sense of the word. This system of punishment is, owever, I must state, applied equally to all Indians, Caffres, and Malagaches nder engagement, and inflicted for such acts as could not come under the Penal Code.

This power I heard was very much exerted soon after my arrival, and I had reason o fear applied to Indians who came down to complain before me, and against whom, on inquiries being made into their case, the masters brought counter-charges f illegal absence, such absence being really the time consumed in coming down to he Consulate, distant, in many cases, forty miles from the plantations.

Many complaints were made to me, also, that the Syndics of the different districts would seldom listen to the complaints of the Indians, and that masters on eceipt of requisitions from the Syndics (or Magistrates for the protection of immi-grants) tore up, disregarded the notices, and immediately caused the complainant o be punished for his absence whilst complaining.

Your Lordship will perceive, that though I may have reason to fear this was in ome cases true, it would have been dangerous and impolitic, if not beyond the ange of my duties, except in most thoroughly substantiated cases, to demand explanations of these circumstances, particularly as a great proportion of the complainnts were men who had been brought here before the Convention, and who as British subjects merely claimed my protection as Her Majesty's Consul; but I have eason to believe that, knowing the surveillance I have kept over the immigration nterest, such abuses rarely now exist.

The greatest difficulty with which I have had to contend, and which I consider a great act of injustice to the Indians, is this, that he is seldom or ever in possession of any paper, ticket, or book, to prove his name, rate of wages, or master's dentity or residence. This has been a source of great annoyance and unnecessary complication to me.

According to the "Arrêté," to which I have previously referred, it is expressly provided that the "Livret," or book of engagement, which should contain all I equire, shall be given up to the Indian, within a month after his engagement, as his own property; but finding this was seldom or ever done, I addressed Baron Darricau on the subject, and was told in reply, "that though in principle it was decreed that the Indian should receive his book, yet in practice it was found impossible to allow it," as frequent cases occurred of illegal possession, sales, &c., of the books.

To this I naturally replied, that if such were the case, and it were found desirable to leave the original book with the master, or magistrate of the district, I should suggest a duplicate being given to the labourer, and illegal possession of books made punishable; but his Excellency has persisted in keeping to the state of things previously existing. The result of all this is, that though occasional abuses n obtaining and selling the "Livrets" may occur, it is no rare matter to find men who, ignorant of the French language, scarcely know the name of their masters, he period of their residence in the colony, and other circumstances necessary to guide me, and even the local authorities, in their complaints.

The retention of the Indian's book by his master without any paper being in he possession of the man, I consider confers a power over the man which is not desirable in many respects.

In Mauritius, although there are numerous abuses connected with this question, no Indian is supposed to be without his proper papers in his possession. I submitted to Baron Darricau for adoption the plan in vogue at Mauritius, as regards tickets and papers, but without success.

The Indians who have arrived by the last two ships from Pondicherry have been furnished before starting with a copy of their contracts of engagement, and this paper at my positive request has been allowed to remain in their possession; but though this is better than nothing, it does not embody all that is required, as it does not sufficiently specify what becomes of the owner after his arrival here. I have brought this matter at great length to your Lordship's notice, as one which I consider of great importance. Your Lordship is aware, although I am quite at liberty carefully to suggest what I consider just to the Indian, I have no power to insist on the

adoption of my plans, and in all returns and explanations I receive, I must to a certain extent be content to believe I am truly informed.

Situated as St. Denis is, and vigilant as the police is here, there must always be a great deal of difficulty in an Indian finding his way here from distant quarters without interference or arrest as a deserter, and particularly when unprovided with papers of any sort. The Governor soon after my arrival issued orders that the Syndics should, in all cases, when called upon to do so, issue passes to the Indians wishing to complain and appeal to my Consulate; but of this fact most of the men are no doubt ignorant, and the Syndics being naturally jealous of any interference, I do not fancy the request for such a pass would often be attended to, as I have only once received a complaint under such a pass.

I must therefore believe that in the absence of any great quantity of appeals to me, things are now better managed, and the Indian finds he can obtain justice in the proper quarter without recourse to the Consul.

The total Indian population in Réunion up to December 1862, in round numbers, amounted to about 47,000 of both sexes; almost all these are British subjects, and to a certain extent liable to make their appeals to me for advice and assistance. With the exception of those brought from Calcutta since the Convention, almost all are Malabars, who appear to get on well here, and in many instances return, after having been back to India at the expiration of their engagements.

Although the Government as a rule sets its face against any extended system of final settlement here for the Indian without engagement, there are many instances of Malabars, who are well to do and proprietors of small lands, gardens, and shops, and I hope, as soon as the newly arrived men are at liberty to choose between rapatriement or residence here, no unnecessary difficulties will be made as to what should constitute the qualifications for a continued residence in the Colony without engagement.

I have thus endeavoured to set before your Lordship the most interesting facts connected with the present system of immigration to Réunion, and in conclusion must state that while there is much which I should like and hope to see gradually improved, I have no great reason to find fault, especially when I bear in mind that for many years no British surveillance has been exercised over the labour system of the place with reference to Her Majesty's subjects; and I hope your Lordship will always take into consideration that my position here is naturally one of great delicacy.

I have, &c.
(Signed) JOHN D. HAY HILL.

Inclosure 1.

STATEMENT of Arrivals in Réunion of Coolies from British India in the Years 1861 and 1862.

1861.

Embarked in Calcutta.				Deaths.		Received for Distribution.
Males.	Number.	Females.	Number.	At Sea.	Lazaretto.	
Men ..	5,034	Women ..	1,240	518	84	The official specification of sex in the deaths on board the "Brandon," "Tchernaya," and "St. Pierre," being incomplete, the total only is given, as follows:—6,389.
Boys ..	391	Girls ..	263			
Infants ..	37	Infants ..	26			
Totals ..	5,462	..	1,529	518	84	

Embarked	6,991
Deaths	602
	6,389

Average rate of death per cent. .. ..

1862.

Embarked in Calcutta.				Deaths.		Received for Distribution.			
Males.	Number.	Females.	Number.	At Sea.	Lazaretto.	Males.	Number.	Females.	Numbe
Men ..	1,422	Women ..	276	15	4	Men ..	1,413	Women ..	268
Boys ..	50	Girls ..	27			Boys ..	50	Girls ..	27
Infants ..	17	Infants ..	8			Infants ..	18	Infants ..	8
Totals ..	1,489	..	311	15	4	..	1,418	..	303

Total embarked	1,800
Deaths	19
	1,781
Births	3
Received for distribution	1,784

	Embarked.	Landed.
1861	6,991	6,389
1862	1,800	1,784
Total	8,791	8,173

Inclosure 2.

Statement of Reported Deaths amongst Calcutta Coolies.

1862.

Districts.	Deaths.		Births.		Remarks.
	Bengalese.	Unknown.	Males.	Females.	
St. Denis	100	*72	3	..	
St. Leu	26	..	..	..	August, October, November, and December, wanting.
St. Louis	15	..	2	..	Very irregular Returns.
St. Joseph	5	..	..	..	January, May, July, and December, wanting.
St. Pierre	41	*44	..	..	January, February, and May, wanting.
St. Benoit	151	..	1	1	
St. Philippe	49	..	..	..	May wanting.
Ste. Rose	71	..	..	..	May wanting.
St. André	88	..	..	..	
St. Paul	32	..	2	..	Irregular Returns.
Ste. Suzanne	87	..	..	..	May wanting.
Ste. Marie	44	..	5	1	May list of deaths wanting.
Totals ..	709	116	13	2	

It would, therefore, appear that, deducting 180 (the only deaths reported to the Consulate for the year 1861, in one or two very imperfect Returns), from the gross total of 8,173 of all sexes actually received and distributed in Réunion, no less than 709 deaths occurred amongst 7,993 Bengal Indians during the year 1862. It will also be observed that I have not taken into account the 116 deaths of those men and women whose numbers were not so accurately given as to lead to clear identification, and also that fifteen Returns have never as yet been received for 1862.

JOHN D. HAY HILL.

* Number of matriculation or master's name unknown.

Inclosure 3.

Conditions of Contract.

ETABLISSEMENT FRANCAIS DE L'INDE.

Exécution de l'Arrêté en date du 3 Juillet, 1862.

LIVRET D'ENGAGEMENT.

Conditions.

LES émigrants pour les Colonies Françaises d'Amérique ou de la Réunion devront contracter un engagement de travail de cinq ans.

Ils s'engageront à servir les personnes auxquelles ils seront respectivement distribueés par l'Administration de la Colonie destinataire et à être employés à tous travaux de culture ou de fabrication sucrière ou à tous autres d'exploitation agricole et industrielle, et enfin à tous travaux de domesticité.

La journée de travail commencera au lever et se terminera au coucher du soleil. Elle sera coupée par un repos de deux heures et demie. Elle ne pourra excéder neuf heures et demie de travail par jour. Ne sera pas considérée comme travail l'obligation de pourvoir, les Dimanches et les jours fériés, aux soins que nécessitent les animaux et les besoins de la vie habituelle.

Pour chaque jour d'absence ou de cessation volontoire de travail sans motif légitime, l'engagé subira, indépendamment de la privation de salaire pour cette journée, la retenue d'une seconde journée de salaire à titre de dommages-intérêts, sauf le recours au Juge en cas de contestation.

Les émigrants auront droit aux salaires ci-après, savoir :—

1. Ceux à destination des Colonies Françaises d'Amérique,

Les hommes de seize à trente-six ans, 5 roupies par mois ;

Les femmes de quatorze à trente ans, 4 roupies par mois;

Les garcons de onze ans et au-dessous de seize ans, 2 roupies par mois ;

Les filles de onze ans et de moins de 14 ans, 2 roupies par mois.

2. Ceux à destination de la Réunion,—

Les hommes de seize à trente-six ans, 5 roupies par mois ;

Les femmes de quatorze à trente ans, 3 roupies par mois ;

Les garcons de onze ans et de moins de seize ans, 2 roupies par mois ;

Les filles de onze ans et de moins de quatorze ans, 2 roupies par moins.

Au moment de l'engagement tout émigrant ayant droit à salaire en recevra deux mois d'avances, et en supportera la retenue par douzième sur les salaires à gagner du jour de son placement après arrivée à destination.

Il lui sera délivré gratis, pour le temps qu'il devra passer au dépôt, un plat et un gobelet en fer blanc, une panelle, deux tiselles ou chattis, et une natte commune en paille. Les émigrants âgés de moins de cinq ans n'auront pas droit à ces objets. Ceux de cinq à onze ans auront droit seulement à un gobelet et à une natte.

Pendant leur séjour aux dépôts, les émigrants adultes recevront la ration journalière ci-après :—

75 centilitres (6 maganis) de riz en nature ;

10 centimes (8 caches) en espèces.

Les enfants de cinq à dix ans auront droit à la moitié de cette même ration, et, pour ceux au-dessous de cinq ans, la ration de leur père ou de leur mère sera simplement augmentée de deux maganis de riz.

Les engagés seront libres de sortir des depôts, sous la conduite d'un pion attaché à l'établissement, afin de communiquer au besoin avec l'Agent Consulaire Anglais ou le Commissaire du Gouvernement Français.

Toute femme mariée ne pourra être séparée de son mari ; aucun père ni aucune mère ne sera séparé de ses enfans âgés de moins de quinze ans.

Aucun travailleur, sans son consentement, ne sera tenu de changer de maître, à moins d'être remis à l'Administration ou à l'acquéreur de l'établissement dans lequel il est occupé.

Au moment de l'embarquement, il sera délivré gratis à chaque engagé, savoir :

1. A chaque émigrant au-dessus de l'âge de sept ans accomplis en destination des Colonies Françaises d'Amérique,—

Les hommes et jeunes garçons, une chemise et un pantalon en toile de coton ;
Les femmes et jeunes filles, une pagne en toile de coton ;
A tous sans distinction de sexe, une chemise et une couverture en laine.

2. Aux mêmes en destination de l'Ile de la Réunion,—
Les hommes et jeunes garçons, une chemise et un pantalon en toile de coton ;
Les femmes et jeunes filles, une pagne en toile de coton ;

3. Aux enfants des deux sexes âgés de moins de sept ans, en destination des Colonies d'Amérique,—
Une chemise de laine et une chemise en toile de coton, ou une pièce de même toile de deux mêtres au moins de longueur.

L'Administration déterminera pour chaque contingent le nombre de couvertures de laine à embarquer pour être distribuées aux enfants âgés de moins de sept ans.

Indépendamment de ces effets, il sera donné un peigne à chaque engagé, sans distinction d'âge, de sexe, ou de destination.

Tous ces objets resteront la propriété des émigrants.

Pendant la traversée, les émigrants seront convenablement logés, auront droit à un hectolitre de bagages, et à deux repas par jour, composés de riz, carri de légumes, de poissons salés ou de viande salée. Trois litres d'eau leur seront également affectés sans distinction d'âge ni de sexe.

Au lieu de destination, les émigrants auront droit annuellement aux vêtements ci-après :—
Les hommes, deux chemises, deux pantalons en tissu de toile, un chapeau de paille ;
Les femmes, deux chemises de toile, deux robes ou jupes, et quatre mouchoirs, en tissu de coton. Un logement convenable leur sera également fourni par sexe ou par famille.

Les soins médicaux leur seront gratuitement donnés, à moins qu'ils ne soient réclamés par des maladies provenant de leur mauvaise conduite.

La ration journalière ne pourra être au-dessous des quantités ci-après :—
Morue ou poisson salé, 214 grammes ;
Ou viande (fraiche ou salée), 200 grammes ;
Riz décortiqué ou farine de manioc, 35 centilitres ;
Sel, 20 grammes.

Tout émigrant aura la faculté de déléguer à ses parents de l'Inde partie de ses salaires. La remise des sommes ainsi déléguées s'effectuera avec le concours de l'Administration.

A l'expiration de son engagement, tout émigrant aura droit au repatriement gratuit pour lui et ses enfants. Le même droit lui sera acquis, quel que soit son temps de service, s'il devenait d'une manière permanente incapable de tout travail.

Ceux qui, à l'expiration de leur engagement, justifieront d'une conduite régulière et de moyens d'existence, pourront être admis à rester dans la Colonie sans engagement, mais, dès ce moment, ils n'auront plus droit au repatriement gratuit.

Ceux qui consentiraient à contracter un nouvel engagement, auront droit à une prime, et conserveront le droit au repatriement à l'expiration de ce second engagement.

Le droit de l'immigrant au repatriement s'étend à sa femme et à ses enfants ayant quitté l'Inde âgés de moins de dix ans et à ceux qui sont nés dans les Colonies.

Les émigrants sujets Anglais pourront, dans les Colonies Françaises, invoquer en tout temps l'assistance et la protection des Consuls ou Agents Consulaires de leur nation, et aucun obstacle ne sera apporté à ce qu'ils se rendent auprès de ces Agents, pourvu que cela ne préjudicie pas aux obligations résultant de leur engagement.

(Signé) A. ERNY.

Convention.

The emigrants for the French Colonies of America or Reunion will be engaged to serve for five years.

By this engagement they are bound to serve any person to whom they may be allotted by the proper authorities (Administration) in the Colony to which they may

be sent, and to perform any works of culture and sugar manufacture, or any other agricultural or industrial works, or any employment to which they may be put.

The day's work beginning at sunrise will close at sunset.

A rest of two hours and a half will be allowed; task-work cannot exceed nine hours and a half a day; and the obligation to provide, on Sundays or holidays, for care of animals and the necessities of daily life, shall not be considered as work.

By each day of absence or interruption of work the emigrant labourer will forfeit his wages for that day, and, moreover, one day extra will be stopped. If contested, the recourse to the Judge is reserved.

The wages allowed to the emigrants are as follows :—

Those destined and engaged for the French Colonies of America,—

Men of sixteen to thirty-six years, 5 rupees per month.

Women of fourteen to thirty years, 4 rupees per month.

Boys of eleven and under sixteen years, 2 rupees per month.

Girls of eleven years and under fourteen years, 2 rupees per month.

2. Those engaged for the Réunion,—

Men of sixteen to thirty-six years old, 5 rupees per month.

Women of fourteen to thirty years, 3 rupees per month.

Boys of eleven and under sixteen years, 2 rupees per month.

Girls of eleven years and under fourteen years, 2 rupees per month.

Immediately after having made the contract, every emigrant is entitled to claim two months of wages in advance. The amount of this advance will be refunded by stopping a portion of their wages, twelve instalments, beginning at their arrival in the Colony.

Each emigrant, during the time he may remain in the depôt, will receive his rations free of cost to him. He will receive for his use, one plate, one tin cup, one pot, two tiselles or chattys, and one straw mat.

Emigrants of not less than five years of age are not allowed to get those articles.

Those of five to eleven years are allowed only to get one tin cup, and one mat.

During their stay in the depôt, each adult emigrant's daily ration shall be as follows :—

75 centilitres (6 maganis) rice;

10 centimes (8 cash) money.

Children of five years to ten have right to the half of the said ration.

Those under five years the ration given to their father or mother will be increased to two maganis more than the aforesaid.

The emigrants are at liberty to leave the depôt, under the guard of a peon, in order to communicate with the British Agent or the French Commissioner.

No husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age.

No labourer shall be required to change his employer, without his own consent, unless he be transferred to the Government or to the person who has acquired the property on which he is employed.

Every emigrant at embarkation shall receive free of cost as follows :—

1. For every person more than seven years of age engaged for the French Colonies of America, viz.,—

Men and boys one cotton shirt and a pantaloon of the same stuff;

Women and girls, one cotton cloth;

All, either man or woman, a woollen shift and one blanket.

2. The same destined for the Réunion, viz.,—

Men and young boys, one cotton shirt, and a pantaloon of the same stuff;

Women and girls, one cotton cloth ("pagne").

3. Children, either male or female, destined for the French Colonies of America,—

One woollen and one cotton shirt, or a piece of cloth of the said stuff, at least two metres long.

The Government at each shipment of emigrants shall fix the quantity of blankets to be shipped on board of the vessel, to be distributed to the children under seven years of age.

Besides the aforesaid articles every emigrant, without any distinction, whatever may be the place of his destination, shall receive a comb.

All the aforesaid articles will remain the property of the emigrants.

During the voyage the emigrant shall have good accommodation on board and

room for their stores (one hectolitre). There will be two meals a day of rice, curry vegetables, salt fish or salt meat; three litres of water shall be delivered to every one without any distinction.

In the place of destination, the emigrants are entitled to claim every year the following clothes :—

Men, two linen shirts and two pantaloons of the same stuff, one straw hat;

Women, two linen shifts, two gowns, four handkerchiefs of the same stuff.

Good lodgings shall be allowed agreeably to the sex and family.

Gratuitous medical treatment shall be allowed to the emigrants, except in case their illness shall have arisen from their own misconduct.

The daily ration cannot be less than the following quantities :—

Cod-fish or salt-fish, 214 grammes;

Fresh or salt meat, 200 grammes;

Decorticated rice or manioc, 35 centilitres;

Salt, 20 grammes.

Every emigrant may remit to his relations in India a portion of his wages. The remittance of these sums shall be made with the assistance of the Government.

At the expiration of the engagements, every emigrant shall be entitled to a free return passage for himself and his family; it will be the same for every immigrant who may become permanently incapable of work, whatever may be the time of his service.

Those who can show that their conduct has been regular and that they have means of subsistence, may be allowed to reside in the Colony without any engagement, but from that time they will lose their right to a free return-passage.

If they consent to contract a new engagement, they will be entitled to a bounty and will retain their right to a return-passage at the expiration of this second engagement.

The right of the emigrant to a return-passage extends to his wife and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

All immigrants, being subjects of Her Britannic Majesty, shall enjoy in the French Colonies, in any circumstance, the right of claiming the assistance of the British Consular Agents, and no obstacle shall be opposed to the labourer's communicating with them, without prejudice, however, to the obligation arising out of his engagement.

Inclosure 4.

Extract from "Le Moniteur de l'Ile de la Réunion" of September 12, 1860.

Saint Denis, le 30 *Août,* 1860.

Rapport à M. le Gouverneur en Conseil Privé.

M. le Gouverneur,

L'ADMINISTRATION locale est informée, par une dépêche de son Excellence le Ministre de l'Algérie et des Colonies du 26 Juillet dernier, que le Gouvernement Métropolitain, préoccupé depuis quelque temps des mesures à prendre pour assurer à la Colonie de la Réunion un recrutement suffisant pour tous les besoins de l'agriculture, a obtenu du Cabinet Anglais, en attendant la conclusion définitive du Traité relatif à l'émigration des coolies des possessions Britanniques dans l'Inde, l'autorisation pour notre Colonie de recruter directement dans ces possessions 6,000 travailleurs qui pourront être expédiés pour leur destination dans le moindre délai possible.

Aux termes de la Convention intervenue à cet égard, la sortie des émigrants est subordonnée à la constitution préalable d'Agents Français dans les centres de recrutement. Afin de soustraire le plus tôt possible la Colonie aux embarras qui la menacaient, le Ministre a cru nécessaire de recourir au procédé le plus rapide et s'est borné pour le moment à nommer Agent unique du Gouvernement Français M. Camin, de la maison Camin et Lamouroux, de Calcutta.

La somme à laquelle s'élèveront, par individu, les frais de recrutement, de passage et autres dépenses accessoires, n'a pu être déterminée d'avance; elle sera réglée à l'arrivée de chaque navire et devra être remboursée aux armateurs par les cessionnaires.

L'immigration est subordonnée à la présence à la Réunion d'un Agent Consulaire Anglais.

L'introduction des immigrants pourra avoir lieu par bâtiments Anglais.

Enfin une clause spéciale de la Convention rend obligatoire l'application à la Réunion d'un projet d'Arrêté sur le régime de l'immigration, qui a été transmis au Gouvernement local et que nous aurons à examiner tout à l'heure.

Telles sont, en résumé, les conditions principales de l'opération.

J'ai l'honneur de soumettre à votre examen le travail que j'ai préparé pour adapter à la situation du pays le projet d'Arrêté qui nous a été communiqué.

Il est un point dont nous devons tout d'abord nous pénétrer : c'est que l'application de ce projet d'Arrêté est une condition *sine quâ non* de l'ouverture des ports Anglais à l'émigration ; l'administration locale est dès lors obligée de l'accepter dans toutes ses dispositions, sans pouvoir y apporter d'autres modifications que celles qui sont nécessaires pour en approprier l'exécution à la Colonie. Cet acte, destiné primitivement à régler le régime de l'immigration dans les Antilles, a été rédigé au point de vue d'un état de choses différent à certains égards de celui qui existe à la Réunion ; il s'ensuit que divers articles faisant mention, par exemple, d'immigrants introduits avec le concours des fonds de l'Etat ou de la Colonie, ne peuvent s'appliquer qu'avec de légères modifications à notre île, où l'introduction des immigrants a lieu sans le concours du Trésor. La tâche du Gouvernement local consiste à adopter à la Réunion toutes les prescriptions de ce règlement, sans s'écarter des principes qui y sont posés, des obligations qui y sont formulées.

La première partie de l'Arrêté est relative au mode de répartition des immigrants. Déjà ce point a été réglé par un acte antérieur de l'autorité locale, basé sur le principe de la répartition par les soins de l'Administration, et qui a reçu l'approbation du Ministère. Des listes d'inscription ont été dressées conformément à l'Arrêté du 31 Janvier, 1860. Je pense que cet Arrêté doit continuer à recevoir son exécution jusqu'à épuisement des listes actuelles. Si cette opinion est adoptée, les travailleurs introduits seront répartis, suivant les catégories et les proportions établies par l'Arrêté du 31 Janvier, entre les propriétaire antérieurement inscrits sur les listes. Après que toutes les demandes actuellement classés auront été satisfaites, on procédera, pour la formation des listes ultérieures, d'après le mode prescrit par le nouvel Arrêté.

Il reste aujourd'hui, pour épuiser les listes dressées en exécution de l'Arrêté du 31 Janvier, à fournir :—

	Engagés.
Aux sucriers	363
Aux planteurs et industriels	4,141
Pour la domesticité	1,298
Total	5,802

Il n'est pas inutile, pour l'intelligence de ces chiffres, de rappeler que, d'après l'Arrêté du 31 Janvier, les propriétaires n'ont pas été admis à formuler leurs demandes suivant toute l'étendue de leurs besoins, mais qu'il a été assigné à chaque catégorie un maximum, avec élimination successive des demandes satisfaites à partir de l'époque (1859) où le premier marché passé pour l'introduction des coolies de Pondichéry a commencé à recevoir son exécution. De grands et nombreux besoins resteront donc encore à satisfaire, surtout dans la classe des sucriers, après l'épuisement des listes actuelles.

Il est bien entendu que la répartition se poursuivra distinctement pour chaque catégorie, sans que l'on doive attendre, pour procéder à la formation des nouvelles listes, que les demandes actuellement inscrites, pour les trois catégories, soient toutes épuisées. Ainsi, dès que les 363 engagés qu'il reste à fournir à l'industrie sucrière auront été répartis, il sera ouvert, pour cette catégorie, une nouvelle liste, conformément aux dispositions de l'Arrêté de ce jour. Il en sera de même ultérieurement pour les deux autres catégories.

La répartition ainsi réglée et à effectuer par les soins de l'Administration n'empêchera pas que les propriétaires qui voudront user de la faculté ouverte par l'Arrêté du 16 Mars, 1860, ne soient admis à demander directement, pour leur compte, des travailleurs qui pourront être engagés à Calcutta au nom des demandeurs, à la charge par ces derniers de remplir ici toutes les conditions et formalités prescrites par le dit Arrêté et de justifier auprès de l'Agent de Recrutement d'une autorisation spéciale et préalable du Gouvernement local.

Quant au paiement du prix de revient des contrats d'engagement, l'Administration n'aura qu'à continuer ce qui se pratique actuellement : les engagistes désignés

par l'autorité, d'après l'ordre d'inscription sur les listes, ne seront admis à retirer les contingents qui leur seront échus que sur la production de l'acquit délivré par les représentants de l'armement. Les intérêts des introducteurs sont complétement sauvegardés par ce mode de procéder, sans que la responsabilité du Trésor puisse en aucun cas se trouver engagée.

D'après une disposition de l'Arrêté, les demandes d'inscription sur les listes futures constitueront un engagement d'acquitter au comptant, entre les mains des introducteurs, le prix auquel sera fixée la cession des contrats. Les propriétaires actuellement inscrits seront avertis par un avis officiel que le maintien de leurs noms sur les listes entraîne également pour eux cet engagement, à moins qu'ils ne provoquent eux-mêmes leur radiation dans un délai déterminé, passé lequel ceux qui n'auront point fait de déclaration dans ce sens à l'autorité seront considérés comme définitivement engagés.

La seconde partie de l'Arrêté organise un régime de protection en faveur des immigrants et constitue à cet effet des syndicats par canton et par arrondissement.

J'ai, comme vous, la ferme confiance, M. le Gouveneur, que les mesures prescrites, dans cet ordre d'idées, par l'autorité, seront franchement et loyalement accueillies par les propriétaires. C'est une justice à rendre aux habitants de la Réunion : jamais, on le sait, ils n'ont opposé aucune résistance, ils ont au contraire généralement prêté un concours sincère à l'exécution de toutes les dispositions prises par le Gouvernement dans l'intérêt du bien-être des travailleurs. Le pays comprendra aujourd'hui surtout que ce ne sera que par une surveillance active et assidue, exercée directement par l'autorité locale, que l'on préviendra les difficultés et les embarras qui pourraient naître de la situation nouvelle.

En terminant cet exposé, permettez-moi, M. le Gouverneur, d'exprimer l'espoir que l'action vigilante de l'Administration et le bon esprit des habitants sauront rendre efficace dans son application et avantageuse dans ses résultats une mesure qui, en sauvant l'agriculture de la pénurie de bras dont elle était menacée, témoigne de la haute et constante sollicitude du Gouvernement Métropolitain pour les intérêts et la prospérité de notre Colonie.

Agréez, &c.
Le Directeur de l'Intérieur P. I.,
(Signé) CH. DE LAGRANGE.

Convention sur l'Immigration de Travailleurs Indiens dans la Colonie de la Réunion.

Sa Majesté l'Empereur des Français ayant exprimé à Sa Majesté la Reine du Royaume Uni de Grande Bretagne et d'Irlande le désir d'obtenir immédiatement, pour la Colonie de la Réunion, un nombre déterminé de travailleurs Indiens, les deux Hautes Parties Contractantes ont résolu de stipuler dans une Convention les dispositions nécessaires pour régler l'émigration des dits travailleurs, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Etc., etc.

ARTICLE I.

Le Gouvernement Français aura la faculté de recruter et d'engager sur les territoires Indiens, appartenant à la Grande Bretagne, des travailleurs pour la Colonie de la Réunion, et d'embarquer les émigrants sujets de Sa Majesté Britannique, soit dans les ports Anglais, soit dans les ports Français de l'Inde, aux conditions ci-après stipulées.

Le nombre de travailleurs ou d'émigrants qui pourront être embarqués pour la dite Colonie, aux termes de cette Convention, ne devra pas excéder six mille.

ARTICLE II.

Le Gouvernement Français confiera, dans chaque centre de recrutement, la direction des opérations à un Agent de son choix.

Ces Agents devront être agréés par le Gouvernement Anglais.

Cet agrément est assimilé, quant au droit de l'accorder et de le retirer, à l'exequatur donné aux Agents Consulaires.

ARTICLE III.

Ce recrutement sera effectué conformément aux réglements existants, ou qui pourraient être établis, pour le recrutement des travailleurs à destination des Colonies Anglaises.

ARTICLE IV.

L'Agent Français jouira, relativement aux opérations de recrutement qui lui seront confiées, pour lui comme pour les personnes qu'il emploiera, de toutes les facilités et avantages accordés aux Agents de Recrutement pour les Colonies Anglaises.

ARTICLE V.

Le Gouvernement de Sa Majesté Britannique désignera, dans les ports Anglais où aura lieu l'embarquement des émigrants, un Agent qui sera spécialement chargé de leurs intérêts.

Le même soin sera confié dans les ports Français à l'Agent Consulaire Anglais à l'égard des Indiens sujets de Sa Majesté Britannique.

Sous le terme "Agents Consulaires" seront compris les Consuls, Vice-Consuls, et tous autres officiers Consulaires commissionnés.

ARTICLE VI.

Aucun émigrant ne pourra être embarqué sans que les Agents désignés dans l'Article précédent aient été mis à même de s'assurer, ou que l'émigrant n'est pas sujet Britannique, ou s'il est sujet Britannique, qu'il s'est librement engagé, qu'il a une connaissance parfaite du contrat qu'il a passé, du lieu de sa destination, de la durée probable de son voyage et des divers avantages attachés à son engagement.

ARTICLE VII.

Les contrats de service devront, sauf l'exception prévue au § 4 de l'Article IX, et au § 2 de l'Article X, être passés dans l'Inde, et contenir pour l'émigrant l'obligation de servir soit une personne nommément désignée, soit toute personne à laquelle il sera confié par l'autorité à son arrivée dans la Colonie.

ARTICLE VIII.

Les contrats devront en outre stipuler :

1. La durée de l'engagement à l'expiration duquel le rapatriement reste à la charge de l'Administration Française, et les conditions auxquelles l'émigrant pourra renoncer à son droit de rapatriement gratuit ;
2. Le nombre des jours et des heures de travail ;
3. Les gages et les rations, ainsi que les salaires pour tout travail extraordinaire et tous les avantages promis à l'émigrant ;
4. L'assistance médicale gratuite pour l'émigrant, excepté pour le cas où, dans l'opinion de l'Agent de l'Administration, sa maladie serait le résultat de son inconduite.

Tout contrat d'engagement portera copie textuelle des Articles IX, X, XX, et XXI de la présente Convention.

ARTICLE IX.

1. La durée de l'engagement d'un immigrant ne pourra être de plus de cinq années. Toutefois, en cas d'interruption volontaire du travail, régulièrement constatée, l'immigrant devra un nombre de jours égal à celui de l'interruption.
2. A l'expiration de ce terme, tout Indien qui aura atteint l'âge de dix ans au moment de son départ de l'Inde, aura droit à son rapatriement aux frais de l'Administration Française.
3. S'il justifie d'une conduite régulière et de moyens d'existence, il pourra être admis à résider dans la Colonie sans engagement ; mais il perdra, dès ce moment, tout droit au repatriement gratuit.
4. S'il consent à contracter un nouvel engagement, il aura droit à une prime et conservera le droit au repatriement à l'expiration de ce second engagement.

Le droit de l'immigrant au repatriement s'étend à sa femme et à ses enfants ayant quitté l'Inde, âgés de moins de dix ans, et à ceux qui sont nés dans la Colonie.

ARTICLE X.

L'immigrant ne pourra être tenu de travailler plus de six jours sur sept, ni plus de neuf heures et demie par jour.

Les conditions du travail à la tâche et tout autre mode de réglement de travail devront être librement débattus avec l'engagé. N'est pas considérée comme travail l'obligation de pourvoir les jours fériés aux soins que nécessitent les animaux et aux besoins de la vie habituelle.

ARTICLE XI.

Dans les ports Anglais les dispositions qui précèdent le départ des émigrants seront conformes à celles prescrites par les réglements pour les Colonies Anglaises.

Dans les ports Français l'Agent d'Emigration ou ses délégués remettront aux Agents Consulaires Anglais, au départ de tout navire d'émigrants, la liste nominative des émigrants sujets de Sa Majesté Britannique, avec les indications signalétiques, et leur communiqueront les contrats dont ils pourront demander copie; dans ce cas, il ne leur sera donné qu'une seule copie pour tous les contrats identiques.

ARTICLE XII.

Dans les ports d'embarquement les émigrants sujets de Sa Majesté Britannique seront libres de sortir, en se conformant aux réglements de police relatifs à ces établissements, des dépôts ou de tout endroit où ils seraient logés, pour communiquer avec les Agents Britanniques, lesquels pourront, de leur côté, visiter, à toute heure convenable, les lieux où se trouveraient réunis ou logés les émigrants sujets de Sa Majesté Britannique.

ARTICLE XIII.

Le départ des émigrants de l'Inde pour la Colonie pourra avoir lieu à toutes les époques de l'année.

ARTICLE XIV.

Tout navire transportant des émigrants devra avoir à son bord un chirurgien Européen et un interprête.

Les capitaines des navires portant des émigrants seront tenus de se charger de toute dépêche qui leur serait remise par l'Agent Britannique au port d'embarquement pour l'Agent Consulaire Britannique au port de débarquement, et de la remettre immédiatement après leur arrivée à l'Administration Coloniale.

ARTICLE XV.

Dans tout navire affecté au transport des émigrants sujets de Sa Majesté Britannique, les émigrants occuperont, soit dans les entreponts, soit dans des cabines construites sur le pont supérieur, solidement établies et parfaitement couvertes, un espace qui sera attribué à leur usage exclusif. Ces cabines et entreponts devront avoir partout une hauteur qui ne sera pas moindre, en mesures Françaises, de un mètre soixante-cinq centimètres (1 m. 65 c.), en mesures Anglaises de cinq pieds et demi (5½ p.).

Chacun des logements ne pourra recevoir plus d'un émigrant adulte par espace cubique de deux mètres (2 m.), soit en mesures Anglaises soixante-douze pieds (72 p.), dans la Présidence du Bengale et à Chandernagor; et de un mètre sept décimètres (soit en mesures Anglaises soixante pieds) dans les autres ports Français et dans les Présidences de Bombay et de Madras.

Un émigrant âgé de plus de dix ans comptera pour un émigrant adulte, et deux enfants âgés de un à dix ans compteront pour un émigrant adulte.

Un local devant servir d'hôpital sera installé sur tout navire destiné à transporter des émigrants.

Les femmes et les enfants devront occuper des postes distincts et séparés de ceux des hommes.

ARTICLE XVI.

Chaque contingent devra comprendre un nombre de femmes égal au moins au quart de celui des hommes.

ARTICLE XVII.

Les Agents Britanniques à l'embarquement auront, à tout moment convenable, le droit d'accès dans toutes les parties des navires attribuées aux émigrants.

ARTICLE XVIII.

Les Gouverneurs des établissements Français dans l'Inde rendront les règlements d'administration nécessaires pour assurer l'entière exécution des clauses ci-dessus stipulées.

ARTICLE XIX.

A l'arrivée dans la Colonie d'un navire d'émigrants, l'Administration fera remettre à l'Agent Consulaire Britannique, avec les dépêches qu'elle aurait reçues pour lui :—

1. Un état nominatif des travailleurs débarqués sujets de Sa Majesté Britannique ;

2. Un état de décès ou des naissances qui auraient eu lieu pendant le voyage.

L'Administration Coloniale prendra les mesures nécessaires pour que l'Agent Consulaire Britannique puisse communiquer avec les émigrants avant leur distribution dans la Colonie.

Une copie de l'état de distribution sera remise à l'Agent Consulaire.

Il lui sera donné avis des décès et naissances qui pourraient survenir durant l'engagement, ainsi que des changements de maîtres, et des repatriements.

Tout réengagement ou acte de renonciation au droit de repatriement gratuit sera communiqué à l'Agent Consulaire.

ARTICLE XX.

Les immigrants sujets de Sa Majesté Britannique jouiront dans la Colonie de la faculté d'invoquer l'assistance de l'Agent Consulaire Britannique au même titre que tous les autres sujets relevant de la Couronne Britannique et conformément aux règles ordinaires du droit international, et il ne sera apporté aucun obstacle à ce que l'engagé puisse se rendre chez l'Agent Consulaire et entrer en rapport avec lui ; le tout sans préjudice, bien entendu, des obligations résultant de l'engagement.

ARTICLE XXI.

Dans la répartition des travailleurs aucun mari ne sera séparé de sa femme, aucun père ni aucune mère de ses enfants âgés de moins de quinze ans. Aucun travailleur, sans son consentiment, ne sera tenu de changer de maître à moins d'être remis à l'Administration ou à l'acquéreur de l'établissement dans lequel il est occupé.

Les immigrants qui deviendraient d'une manière permanente incapables de travail, soit par maladie, soit par d'autres causes involontaires, seront repatriés aux frais du Gouvernement Français, quel que soit le temps de service qu'ils devraient encore pour avoir droit au repatriement gratuit.

ARTICLE XXII.

Les opérations d'immigration pourront être effectuées dans la Colonie par des navires Français ou Anglais indistinctement.

Les navires Anglais qui se livreront à ces opérations devront se conformer à toutes les mesures de police, d'hygiène, et d'installation qui seraient imposées aux bâtiments Francais.

ARTICLE XXIII.

Le règlement de travail de la Martinique servira de base à tous les règlements de la Colonie en ce qui concerne les émigrants Indiens, sujets de Sa Majesté Britannique.

Le Gouvernement Français s'engage à n'apporter à ce règlement aucune modification qui aurait pour conséquence, ou de placer les dits sujets Indiens dans une position exceptionnelle, ou de leur imposer des conditions de travail plus dures que celles stipulées par le dit règlement.

ARTICLE XXIV.

Les dispositions de la présente Convention relatives aux Indiens sujets de Sa Majesté Britannique sont applicables aux natifs de tout Etat Indien placé sous la protection ou le contrôle politique de Sa dite Majesté, ou dont le Gouvernement aura reconnu la suprématie de la Couronne Britannique.

ARTICLE XXV.

Il est entendu que les stipulations de la présente Convention, relativement aux sujets Indiens de Sa Majesté Britannique introduits dans la Colonie, seront prorogées de plein droit en faveur des dits Indiens jusqu'à ce qu'ils soient repatriés ou qu'ils aient renoncé au droit de repatriement.

ARTICLE XXVI.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris aussitôt que possible.

En foi, &c.

Arrêté sur la Répartition des Immigrants à leur Arrivée et le Régime de leur Protection dans la Colonie.

Nous, Gouverneur de l'Ile de la Réunion,

Vu l'Article IX du Sénatus-Consulte du 3 Mai, 1854, réglant la Constitution des Colonies;

Vu la dépêche Ministérielle du 26 Juillet, 1860, No. 196, prescrivant à l'Administration de la Réunion d'adopter, sur la répartition des immigrants à leur arrivée et le régime de leur protection dans la Colonie, des dispositions analogues à celles qui sont aujourd'hui en vigueur dans les Antilles;

Sur le rapport du Directeur de l'Intérieur,

Le Conseil Privé entendu—

AVONS ARRETE ET ARRETONS:

Chapitre I.—*Des demandes d'Immigrants, de la Formation des Listes d'Inscription et de Collocation.*

Art. 1. Il est institué dans la Colonie un Comité d'Immigration composé de cinq membres, savoir:—

Le Directeur de l'Intérieur, Président; un membre du Conseil Général, designé chaque année par ce Conseil, Vice-Président; le Commissaire de l'Immigration, un habitant propriétaire et un négociant—ces deux derniers désignés annuellement par le Gouverneur; un employé de la Direction de l'Intérieur remplit les fonctions de Secrétaire.

2. Le Comité d'Immigration est chargé d'arrêter la liste d'inscription des demandes d'immigrants ainsi que le tableau de collocation d'après lesquels la répartition des immigrants a lieu lors de l'arrivée de chaque convoi dans la Colonie.

3. Les demandes d'immigrants doivent être adressées au Directeur de l'Intérieur; elles sont conformes au modèle ci-après, et portent obligation par le souscripteur de recevoir en temps voulu les immigrants demandés, sous peine d'être déchu de la portion exigible de son inscription, et, en outre, de subir tous dommages et intérêts, si les dits immigrants venaient à rester sans placement.

Chaque catégorie d'immigrants doit être l'objet d'une demande distincte.

Les demandes précisent l'exploitation agricole, industrielle, ou l'emploi auquel doivent être affectés les immigrants; s'il s'agit d'une habitation, les demandes indiquent son étendue en hectares, ainsi que le produit en kilogrammes des denrées d'exportation de la récolte précédente; elles donnent aussi la qualification du demandeur, propriétaire, administrateur, ou fermier d'habitation, chef d'exploitation ou d'industrie.

Toute déclaration reconnue fausse par le Comité est considérée comme nulle et non avenue, sauf au demandeur évincé à présenter une nouvelle demande.

4. L'inscription des demandes d'immigrants est faite chaque jour à la Direction de l'Intérieur, au Secrétariat du Comité, d'après l'ordre de réception des dites demandes; la priorité entre celles reçues au même moment est réglée par le sort. Toutes les demandes sont soumises au Comité dans sa plus prochaine séance.

5. Un Arrêté rendu en Conseil Privé, sur la proposition du Comité d'Immigration, détermine l'importance relative de classement des établissements agricoles et industriels, fixe le maximum d'immigrants pour lesquels chacune des classes peut être colloquée dans la distribution des travailleurs, et la proportion du droit qu'elles peuvent avoir à exercer dans la répartition de chaque contingent.

6. Ne sont admises par la Comité d'Immigration que les personnes désignées au paragraphe 3 de l'Article III, et offrant, en outre, des garanties suffisantes, soit pour l'accomplissement de leurs obligations envers les engagés, et leur utile emploi, soit pour le remboursement des avances faites par la Colonie, s'il s'agissait d'une introduction faite avec le concours des fonds du service local.

7. La répartition des immigrants a pour base l'importance respective des établissements agricoles et industriels.

Le nombre des immigrants qui peuvent être affectés à d'autres services est déterminé à l'arrivée de chaque convoi, selon l'importance des demandes qui auront été adressées à l'Administration, en tenant compte des besoins généraux de la Colonie, au point de vue principalement agricole.

8. Peut être exclu, temporairement et même d'une manière définitive, des listes d'inscription, et ce, indépendamment de l'action civile à introduire, s'il y a lieu :—

(1.) L'engagiste qui, tenu de pourvoir au repatriement de ses immigrants, ne s'est pas acquitté de cette obligation.

(2.) Celui qui, pendant le temps fixé par son contrat pour la durée de l'engagement, a laissé des immigrants à la charge de l'assistance publique, nonobstant toutes stipulations faites à cet égard entre l'engagiste et l'engagé.

(3.) Celui qui a été condamné pour sévices envers ses immigrants, ou pour manquement aux obligations que lui imposent son contrat ou les règlements en vigueur.

9. La liste provisoire des demandes d'inscription admises par le Comité d'Immigration est insérée au journal officiel de la Colonie.

Cette liste devient définitive par un Arrêté du Gouverneur rendu, chaque trimestre, en Conseil Privé.

10. Le mode de répartition réglé par les Articles qui précèdent ne recevra son application, pour chacune des trois catégories établies par l'Arrêté du 31 Janvier, 1860, que lorsqu'il aura été satisfait à toutes les demandes portées sur les listes actuelles.

11. Le Comité d'Immigration dresse, à l'arrivée de chaque convoi, le tableau d'après lequel les immigrants doivent être répartis ; il désigne les demandeurs qui doivent y prendre part, et le nombre de travailleurs auquel ils ont droit.

12. Il n'est rien changé aux dispositions prescrites par l'Arrêté du 16 Mars, 1860, quant aux introductions d'immigrants effectuées par les particuliers pour leur compte personnel, avec l'autorisation du Gouverneur. Les immigrants ainsi introduits ne comptent pas dans la répartition des contingents importés et distribués par les soins de l'Administration.

Il en est de même des immigrants réengagés ; ils ne comptent pas dans les collocations arrêtées par le Comité d'Immigration.

13. En cas de transferts entre engagistes inscrits, l'immigrant dont le contrat a été transmis est précompté à la fois sur la collocation attribuée au cédant, et sur celle concernant le cessionnaire. Il n'est pas pourvu sur les contingents, au fur et á mesure de leur arrivée, au remplacement des décédés ou condamnés appartenant aux précédentes collocations.

14. Les cessions d'inscription et les échanges de tour sont interdits formellement.

15. Tout demandeur qui, lors de l'arrivée d'un convoi auquel sa collocation lui donne droit de prétendre, s'abstient d'y prendre part, est déchu de la portion exigible de son inscription actuelle, et doit attendre, pour concourir à la répartition des contingents suivants, que son tour revienne. Il peut, en outre, conformément à l'Article 3 du présent Arrêté, être condamné à des dommages et intérêts sur la poursuite du Directeur de l'Intérieur, si les immigrants refusés par lui venaient à rester sans placement.

16. En cas de contestations sur les décisions du Comité d'Immigration, les intéressés peuvent se pourvoir auprès du Gouverneur, qui prononce en Conseil Privé, comme il est dit à l'Article 9.

Chapitre II.—*De l'Admission des Immigrants et de l'Attribution des Contrats aux Engagistes.*

17. Le Commissaire de l'Immigration est chef d'un bureau institué à la Direction de l'Intérieur ; ce bureau a pour attributions spéciales tout ce qui touche au service de l'immigration. Indépendamment des autres attributions à lui conférées par le présent Arrêté, le Commissaire de l'Immigration, aux termes des Articles 34 et 38 du Décret du 27 Mars, 1852, est chargé de contrôler l'introduction des immi-

grants, et la conclusion de leurs premiers contrats d'engagement avec les habitants, ainsi que les mesures nécessaires pour leur repatriement, soit à l'expiration de leur contrat, soit dans toute autre circonstance qui peut nécessiter leur départ de la Colonie.

18. Aussitôt après l'accomplissement des formalités prescrites par les règlements sanitaires, et avant le débarquement des immigrants, le Commissaire de l'Immigration se rend à bord des navires introducteurs pour procéder aux investigations prescrites par l'Article 35 du Décret du 27 Mars, 1852; il opère, avec le concours du capitaine de port et d'un médecin visiteur désigné par le médecin en chef de la Colonie, afin de s'assurer si toutes les prescriptions du Titre II du Décret précité, relativement aux emménagements, aux approvisionnements, et aux mesures d'hygiène, ont bien été observées. Procès-verbal est ensuite dressé de cette opération.

19. Les immigrants demeurent sous le régime de l'isolement pendant dix jours au moins, y compris celui de leur débarquement, conformément aux dispositions des arrêtés locaux en vigueur sur la matière. La levée de l'isolement est prononcée par le médecin en chef, sur le rapport du médecin visiteur.

20. Le Commissaire de l'Immigration est chargé de toutes les mesures à prendre à l'égard des immigrants, soit à bord, soit au dépôt, soit dans les hôpitaux.

Les introducteurs d'immigrants peuvent faire suivre par un mandataire les opérations du Commissaire de l'Immigration et du médecin visiteur.

21. Il est expressément défendu à tout capitaine, maître ou patron de navire, de laisser descendre à terre aucun immigrant avant d'y avoir été autorisé par le Commissaire de l'Immigration, sous peine d'une amende de 25 à 100 francs pour chaque individu illégalement introduit: le délinquant peut, en outre, être condamné à un emprisonnement de cinq à quinze jours, sans préjudice de peines plus fortes, si le cas y échoit.

22. A leur arrivée dans la Colonie, les immigrants sont immatriculés sur un registre spécial tenu par le Commissaire de l'Immigration, et comportant, indépendamment de leurs noms et prénoms, tous les renseignements sur leur provenance et les conditions de leur engagement. Ces immigrants reçoivent du Commissaire de l'Immigration un bulletin d'immatriculation que vise leur engagiste et qui leur tient lieu de passeport à l'intérieur.

23. Les immigrants une fois reconnus valides, sont, par les soins du Commissaire de l'Immigration, répartis en groupes dont le chiffre est déterminé par le Directeur de l'Intérieur; dans le même groupe doivent être compris les immigrants faisant partie de la même famille ou ne pouvant être séparés par des raisons de convenance. Les contrats de chaque groupe sont ensuite répartis par la voie du sort, entre les demandeurs devant participer à la distribution du convoi.

24. Nul engagiste ne peut être admis à la répartition, s'il ne produit la quittance délivrée par l'introducteur du prix préalablement stipulé entre l'Administration et l'armement pour le transport des engagés et la cession des contrats.

S'il s'agit d'une introduction faite avec le concours des fonds du service local, l'engagiste ne recevra la remise du lot qui lui est attribué qu'après avoir produit:—

(1.) Le récépissé de l'obligation souscrite pour le versement ultérieur de la portion des frais d'introduction avancée par le Trésor, et remboursable par annuités.

(2.) La quittance du Trésor pour la portion de ces frais remboursable immédiatement.

25. L'accomplissement des opérations dont il est fait mention dans les deux Articles précédents est constaté dans un procès-verbal du Commissaire de l'Immigration rédigé en double expédition et transmis au Directeur de l'Intérieur.

26. Tout engagiste en retard de satisfaire à leur échéance aux obligations indiquées en l'Article 3 est, en vertu d'une mise en demeure dont la durée ne peut excéder un mois, exclu jusqu'à décision nouvelle du Comité d'Immigration de tout nouvel état de collocation.

Chapitre III.—*Du Régime des Immigrants.*

27. L'engagiste est tenu de fournir aux immigrants, par sexe et par famille, des logements convenables au point de vue de la division et de la salubrité; ces logements comporteront tous des installations de couchage, élevées d'au moins cinquante centimètres au-dessus du sol. La convenance de ces logements et installations est constatée par le Commissaire de l'Immigration, le Syndic Communal, ou le Maire.

28. A défaut de conventions contraires exprimées dans les contrats d'engagement, la ration quotidienne de chaque immigrant, qui doit être fournie par l'engagiste en denrées de bonne qualité, ne peut être au-dessous des quantités ci-après :—

Morue ou poisson salé	214 grammes.
Viande fraîche ou salée	200 idem.
Riz décortiqué	85 centilitres.
Sel	20 grammes.

Il peut être dérogé à cette disposition par les conditions particulières du contrat d'engagement.

Quand l'impossibilité de se procurer les denrées alimentaires ci-dessus indiquées aura été constatée par le Commissaire de l'Immigration, cette ration pourra être remplacée en tout ou en partie par des légumes secs.

La ration sera de la moitié des quantités ci-dessus déterminées pour les immigrants au-dessous de dix ans ; elle sera fixée par le médecin pour les immigrants malades.

29. Si le contrat stipule qu'il sera fourni des vêtements à l'engagé, sans spécifier leur nature et leur quantité, ils consisteront en deux rechanges composés ainsi qu'il suit : pour les hommes, deux chemises, deux pantalons en tissu de coton, et un mouchoir de tête par an ; également pour les femmes, deux chemises, deux robes ou jupes, quatre mouchoirs en tissu de coton.

30. Toute habitation, toute exploitation ayant vingt immigrauts au moins doit être pourvue d'une infirmerie convenablement installée et approvisionnée, et justifier d'un abonnement avec un médecin.

31. Sauf conventions spéciales qui peuvent être insérées dans le contrat d'engagement, la journée ordinaire de travail est de douze heures y compris un ou deux repas s'élevant ensemble à deux heures et demie. N'est pas considérée comme travail l'obligation pour les immigrants de pourvoir, les Dimanches et les jours fériés, aux soins que nécessitent la bonne tenue des établissements, l'entretien des animaux, et le service de la vie habituelle.

32. L'engagement de l'immigrant n'est réputé accompli et l'engagé ne peut obtenir son congé d'acquit que lorsque le temps stipulé par lui a été réellement fourni à raison de vingt-six jours de travail par mois effectifs et complets. Les jours d'absence au travail pour quelque cause que ce soit doivent être remplacées par autant de journées supplémentaires.

33. L'engagiste est tenu de remettre, chaque semestre, à l'engagé, un extrait du réglement de son compte arrêté avec celui-ci ; le réglement est signé sur le registre de l'engagiste, il indique le chiffre des journées de travail et des sommes payées.

34. En cas d'insubordination habituelle de l'engagé, lorsqu'il n'y a d'ailleurs pas lieu de le traduire en justice, il peut être remis par l'engagiste à l'Administration, qui l'emploie soit dans un atelier public, soit sur une habitation domaniale.

35. Tout immigrant arrêté en contravention aux réglements sur les passeports à l'intérieur doit être reconduit sans délai à son domicile par les soins des autorités locales ; si, en raison des circonstances ou du trajet, il est nécessaire de le déposer provisoirement dans une maison de police municipale, il ne peut y séjourner plus de vingt-quatre heures ; lorsqu'il est nécessaire de le déposer provisoirement dans un hospice ou une infirmerie, les frais en sont répétés contre l'engagiste, sauf recours de ce dernier contre l'immigrant.

36. L'immigrant exclu de la Colonie par le Gouverneur dans un intérêt d'ordre public est provisoirement retenu par mesure administrative sur l'atelier indiqué en l'Article 34, en attendant son embarquement et son départ.

37. Il n'est alloué aucune indemnité aux engagistes dont les immigrants seront attachés d'office aux ateliers publics ou sur les habitations domaniales, pour une des causes énumérées plus haut.

Chapitre IV.—*De la Résiliation et du Renouvellement des Engagements.*

38. Avis doit être donné au Commissaire de l'Immigration dans le délai de dix jours :

(1.) Par les maires, greffiers des justice de paix et officiers publics, de tous actes de transfert, de réengagement ou de résiliation, passés devant eux ;

(2.) Par le greffier du Tribunal qui aura statué, de toute résiliation prononcée par autorité de justice, et de tout jugement intervenu soit entre engagistes et immigrants engagés, soit sur la poursuite d'office du Ministère Public ;

(3.) Par les maires, à l'expiration de chaque trimestre, des naissances et des décès survenus parmi les immigrants résidant dans leur commune.

39. Tout immigrant qui, pour une cause quelconque, obtient la résiliation de son engagement, est remis à l'Administration, et assimilé aux nouveaux arrivants; il est, en conséquence, compris à nouveau dans la répartition indiquée aux Articles 5 et 6 du présent Arrêté.

40. Le Commissaire de l'Immigration doit, dans les trente jours du dépôt, donner copie certifiée à l'engagiste et à l'engagé, de tout contrat remis entre ses mains : les copies portent en tête le numéro de l'immatriculation de l'immigrant.

Chapitre V.—*De la Protection et du Patronage des Immigrants.*

41. Le Commissaire de l'Immigration est chargé, sous l'autorité du Directeur de l'Intérieur, de la protection générale des immigrants : il correspond, pour tout ce qui concerne ces attributions, tant avec les maires et les Commissaires de Police qu'avec les propriétaires et engagistes, et avec les délégués du Syndicat mentionné dans l'Article suivant.

Le Commissaire de l'Immigration fait des tournées sur les habitations ; il veille à ce que les réglements sur l'immigration reçoivent partout leur exécution ; il s'assure que les engagistes s'acquittent de toutes leurs obligations envers leurs engagés, et réciproquement que ceux-ci satisfont aux obligations qu'ils ont consenties. Le Commissaire de l'Immigration est encore chargé de diriger les engagés dans les versements qu'ils auraient à faire au Trésor de toutes sommes destinées à être envoyées à leur famille. Il ne peut exercer par lui-même aucune action de police administrative ou judiciaire sur les immigrants.

42. Conformément à l'Article 36 du Décret du 27 Mars, 1852, un Syndicat Protecteur des Immigrants est créé au chef-lieu de chaque arrondissement.

Ce Syndicat est composé du Procureur Impérial ou d'un de ses substituts, Président; d'un avocat ou d'un avoué désigné chaque année par la Cour ; et d'un Conseiller Municipal désigné par le Gouverneur.

Le Syndicat peut appeler dans son sein un interprête, qui a voix consultative.

43. Le Syndicat est chargé de diriger les immigrants pour tout ce qui touche à l'exercice des actions judiciaires qu'ils auraient à intenter ; il a seul qualité, par lui ou ses délégués, pour ester en justice dans l'intérêt des immigrants.

44. Le Syndicat, sur l'avis motivé du Commissaire de l'Immigration, approuvé par le Directeur de l'Intérieur, peut poursuivre d'office, devant les Tribunaux, la résiliation des engagements lorsque les conditions légales de salubrité et d'hygiène, et celles sous lesquelles l'engagement a été contracté, ne sont pas observées à l'égard des immigrants. La demande en résiliation est précédée d'une notification adressée par le Commissaire de l'Immigration à l'engagiste, pour le mettre en demeure, soit de remplir ses obligations avant l'expiration d'un délai déterminé, soit de céder son contrat.

45. Des Syndics sont institués auprès de chaque Justice de Paix ; ils sont, dans les communes, les délégués du Syndicat d'Arrondissement.

46. Le Syndicat d'Arrondissement reçoit, par l'intermédiaire et les soins des Syndics Cantonaux et du Commissaire de l'Immigration, toute plainte ou réclamation des immigrants pouvant aboutir à une action judiciaire.

Le Syndicat décide s'il y a lieu, dans l'intérêt de l'immigrant, d'introduire une action devant l'une des juridictions de la Colonie, auquel cas il se constitue seul pour lui, à titre de mandataire légal, d'après les termes de l'Article 36 du Décret du 27 Mars, 1852 ; le Syndicat, selon les cas, suit lui-même, ou fait suivre l'affaire par le Syndic Cantonal.

47. Pendant les cinq premières années de leur séjour dans la Colonie, les immigrants, par leur seule qualité et sans aucune justification d'indigence, jouissent du bénéfice de l'assistance judiciaire instituée par la Loi du 22 Janvier, 1852.

48. Chaque trimestre, le Président adresse au Directeur de l'Intérieur et au Procureur-Général un rapport faisant connaître le nombre, la nature, et le résultat des affaires conciliées ou jugées par les soins du Syndicat.

49. Les Syndics Cantonaux veillent à ce que chaque immigrant, à son arrivée chez l'engagiste, soit muni de son bulletin d'immatriculation.

50. Les Syndics sont chargés de la remise à faire aux immigrants, dans le mois, des contrats d'engagement déposés au bureau du Commissaire de l'Immigration, conformément à l'Article 42 du présent Arrêté.

Ils veillent également à ce que les engagistes remettent exactement aux immigrants les extraits des réglements de compte prescrits par l'Article 34.

51. Les Syndics s'assurent que les prestations et les salaires dus aux immigrants leur sont régulièrement fournis dans les termes et suivant le mode indiqués dans l'acte d'engagement ou déterminés par la loi.

52. Les engagés ont toujours la faculté de porter directement leur plainte ou réclamation aux Syndics, qui ne peuvent se refuser de la transmettre à l'autorité compétente.

53. Toute réclamation ou plainte d'un engagé contre son engagiste est portée au Syndic Cantonal.

54. Le Commissaire de l'Immigration peut déléguer au Syndic Cantonal le droit de visite sur une ou plusieurs habitations, toutes les fois que les circonstances paraissent l'exiger ; en cas de plainte de la part des engagistes ou des engagés, le Syndic Cantonal a le droit de se transporter sur les lieux pour vérifier l'exactitude des faits.

55. Les Syndics Cantonaux visent, s'il y a lieu, le passeport des immigrants qui ont à faire valoir des droits, hors des limites de leur circonscription, soit en justice, soit auprès du Commissaire de l'Immigration.

56. Lorsqu'il y a lieu, conformément aux Articles 6 et 7 du Décret du 13 Février, 1852, d'opérer des retenues sur les salaires pour cause d'absence au travail, les Syndics prennent connaissance des faits susceptibles de justifier ces retenues, sans préjudice du recours devant le Juge de Paix.

57. Les Syndics donnent immédiatement avis au Commissaire de l'Immigration de tous faits d'engagement fictif ou de transfert non autorisé des contrats, ainsi que de tous autres faits interdits par les réglements spéciaux de l'immigration qui arriveraient à leur connaissance.

58. Les Syndics rendent compte au Commissaire de l'Immigration à la fin de chaque mois, ou plus souvent s'il y a lieu, de toutes les réclamations qui leur ont été adressées, et des résultats de leur intervention auprès des engagistes.

59. Les Syndics concilient les différends entre les engagistes et les engagés, sauf à intenter, s'il y a lieu, dans l'intérêt de ces derniers, une action en leur nom devant la Justice de Paix, au nom et comme délégués du Syndicat d'Arrondissement.

60. Il est expressément interdit aux Syndics, sous les peines de droit, de rien percevoir des immigrants ou engagistes, sous quelque prétexte ou dénomination que ce soit.

61. L'action du Syndicat ou des Syndics, en ce qui concerne le patronage qu'assure aux immigrants l'Article 36 du Décret du 27 Mars, 1852, cesse de plein droit à leur égard lorsqu'ils ont accompli cinq années d'engagement.

62. Tout acte de transfert d'engagement doit être, à la diligence des engagistes, et dans les dix jours de sa date, présenté aux Syndics de leur domicile respectif, lesquels y apposent leur visa ; en cas d'inexécution de cette formalité, les contrevenants sont condamnés à une amende de 15 à 100 francs.

Chapitre VI.—*Du Rapatriement.*

63. Les immigrants, à l'expiration de leur engagement, ont droit au repatriement aux frais du dernier engagiste.

L'Administration a toujours la faculté de repatrier les engagés aux frais de l'engagiste, dans l'intérêt de l'ordre public, même pendant le cours de leur engagement.

64. Lorsque le terme de l'engagement d'un immigrant est échu, le Syndic Cantonal se fait représenter son dernier règlement sémestriel pour reconnaître, par la supputation des journées fournies, s'il a droit au repatriement ; dans ce cas, le Syndic met l'immigrant en demeure de déclarer s'il préfère user de son droit de repatriement ou contracter un nouvel engagement.

65. Les déclarations d'option entre le repatriement ou le réengagement sont reçues par les Maires en présence des Syndics, rédigées en double expédition, signées par les immigrants, et transmises au Directeur de l'Intérieur, après avoir été mentionnées sur le registre matricule de l'immigration.

66. Les immigrants qui ont réclamé leur repatriement doivent continuer à travailler pour leur engagiste jusqu'au moment de leur départ, sinon justifier de leur travail habituel pour autrui dans un atelier public, conformément aux dispositions de l'Arrêté local du 7 Septembre, 1854.

67. Lorsqu'un navire, susceptible de prendre à son bord des immigrants en voie de retour, sera sur le point de quitter la Colonie, le Commissaire de l'Immigration en donnera avis aux Syndics Cantonaux ; ceux-ci préviendront les immigrants ayant

droit au repatriement, ainsi que leurs engagistes, cinq jours au moins avant l'ordre de départ pour le port d'embarquement. Tous les immigrants qui ne sont pas rendus à bord du navire qui leur a été désigné, au jour fixé, perdent, par ce seul fait, sauf le cas de force majeure ou de réengagement, tout droit au repatriement.

68. Aucun navire affecté au transport des immigrants ne peut être expédié de la Colonie, s'il n'est préalablement constaté par le Commissaire de l'Immigration que les formalités prescrites par les Articles 19, 26, 27 et 32 du Décret du 27 Mars, 1852, ont été remplies.

Chapitre VII.—*Dispositions Générales.*

69. Toutes dispositions contraires au présent Arrêté sont abrogées.

70. Le Directeur de l'Intérieur et le Procureur-Général sont chargés de l'exécution du présent Arrêté, qui sera publié et enregistré partout où besoin sera, et inséré au Bulletin officiel de la Colonie.

Saint Denis, le 30 *Août*, 1860.

Le Gouverneur,
(Signé) BARON DARRICAU.

Par le Gouverneur :
Le Directeur de l'Intérieur P. I.,
(Signé) Ch. de Lagrange.

Immigration.

Modèle de Demande. (*Article* 3.)

Je soussigné, demeurant à commune de sur l'habitation comprenant hectares et ayant produit kilogrammes de demande à être compris pour (tant) travailleurs de (telle origine), dans la répartition d'engagés qui doit être faite par l'Administration, m'obligeant à prendre ces immigrants, dès l'échéance de mon tour de liste, dans les conditions et suivant le nombre qui aura été indiqué par le Comité de l'Immigration après arrêté du Gouverneur.

En cas d'inexécution par mon fait de la dite obligation, je consens à être déchu de la portion exigible de mon inscription, et à subir en outre tels dommages et intérêts que de droit, si les dits immigrants ne pouvaient trouver leur placement dans la Colonie.

Fait à , le 186 .

Inclosure 5.

Syndicat des Gens de Travail.

Livret.

Agé de
Caste
Taille d'un mètre millimètres.
Arrivé le
Signes particuliers :

Porté à la matricule de la commune de sous le No. à la matricule générale sous le No.

ENGAGE pour ans, en qualité de à raison de f. c. par mois.

Logement.

Nourriture réglementaire : soit 80 décagrammes de riz, 10 décagrammes de poisson, ou viande salée, ou légumes secs, et 10 grammes de sel, par jour.

Soins médicaux.

Repatriement à la fin de l'engagement, ou plus tôt si, pour mauvaise conduite, l'Autorité supérieure ordonnait son renvoi de la Colonie.

Sous la retenue de f. c. par mois, jusqu'au paiement de f. c. avancés Cette retenue sera continuée, pour le cas de repatriement forcé, jusqu'au terme de l'engagement. Si l'engagé, par sa conduite, ne donne pas lieu à son renvoi de la Colonie, cette retenue lui sera remboursée, et son passage de retour lui sera dû par l'engagiste.

Chaque jour d'absence illégale sera puni par la retenue de deux jours de solde.

En cas de maladie, ou d'absence avec permission, un seul jour de solde sera retenu.

L'engagé, s'il est cultivateur, doit la corvée le Dimanche jusqu'à neuf heures ; s'il est domestique, il doit tout son temps.

Le Commissaire spécial des gens de travail,
(Signé)

FURTHER PAPER

RELATIVE TO THE

AFFAIRS OF ROME.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Further Paper relative to the Affairs of Rome.

Mr. Layard to the Secretary to the Admiralty.

Sir, *Foreign Office, August* 28, 1862.

I AM directed by Earl Russell to request that you will acquaint the Lords Commissioners of the Admiralty that, in the opinion of his Lordship, Vice-Admiral Martin should have orders to accede to any request of the Pope to send a ship to Civita Vecchia to convey him to Malta.

I am, &c.
(Signed) A. H. LAYARD.

Further Paper relative to the Affairs of Rome.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RELATIVE TO

THE AFFAIRS OF ROME.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Correspondence relative to the Affairs of Rome.

No. 1.

Earl Russell to Mr. Odo Russell.

Sir, *Foreign Office, October* 25, 1862.

HER Majesty's Government have observed with great interest the correspondence which has been published in the "Moniteur" of the 25th of last month.

The Emperor of the French in this correspondence points out with great force and precision the evils which flow from the present position of affairs in Rome. His Majesty calls the attention of the Pope to the undoubted fact that while everything that is liberal in Europe condemns the resistance of his Holiness to every proposal of arrangement, the most attached adherents of the See of Rome find their consciences troubled by the antagonism between their "political convictions and religious principles which would seem to condemn modern civilization." To all the reasons thus powerfully set forth, Cardinal Antonelli replies on the part of the Pope with a summary declaration of the Pope's inability to agree to any compromise which should leave him with less than the whole of his former territory. This is a perilous situation.

The Pope allows his spiritual authority to be impaired, and his hold over the the Roman Catholic Church to be weakened, by his resistance to the wishes of the Italian people. It does not become Her Majesty's Government to dwell upon this danger otherwise than as one to which the religious mind of the Pope must be keenly alive. But the political evil is one upon which Her Majesty's Government may fairly dwell.

The personal character of the Pope is marked by benevolence and charity. As an Italian he must feel for the sufferings of Italy. As the supreme head of the Roman Catholic Church he declared in 1849 that it did not belong to his character to draw the sword. The position of a peaceful Sovereign, animated with equal and impartial love towards contending parties and towards hostile armies, has been claimed for him by the Bishops who met this year at Rome, and who expressed their sentiments in an address to his Holiness.

Yet in contradiction to his own view of his position, in opposition to the picture drawn of him by the most eminent of his own Church, the Pope's territory has become a refuge for one of the contending parties, and the name of religion has been used as the justification for civil war. We see conflicts of unusual ferocity take place under the pretence of such conflicts being necessary to vindicate the temporal power of the Pope.

These scenes must wound the kind heart and harrow the paternal feelings of Pius IX.

Is there no way of terminating, or at least of suspending, the conflict?

Placed in their present positions neither party will give way. The Italian people will always ask for Rome; the Pope will always refuse any terms of accommodation, whether they be those of the Emperor of the French, of Count Cavour, or of Baron Ricasoli.

Must Rome, then, be the seat of a perpetual foreign occupation? Must brigandage for ever ravage the fertile fields of Southern Italy? God forbid such a

calamity! God forbid that Pope Pius IX should be the instrument of consigning his countrymen eternally to mutual hatred and to sanguinary civil war!

Her Majesty's Government are of opinion that Rome should be the capital of the Italian Kingdom. But, if they are rightly informed, the Pope believes that a time will come when by general consent his former territories will be restored to him, and when his temporal power will resume its former splendour.

If such is his sincere conviction, would it not become the Pope, that instead of being himself the principal cause of civil war in Italy, he should retire from this conflict, and expect in tranquillity the issue which in the order of Providence may await the Papacy, and determine the fate of Italy?

In such a case the Admiral of Her Majesty in the Mediterranean would convey the Pope to Malta, to Trieste, to Marseilles, or to Valencia, and if His Holiness should choose to remain in Malta, Her Majesty's Government would there provide a mansion fit for his reception.

There His Holiness might be surrounded by his chief Cardinals and mos trusty counsellors. He would not be asked to subscribe to any conditions repugnant to his conscience. Civil war would cease in Italy, and the Italian people would be at liberty either to enjoy the complete possession of their own territory, or again to assign to the Pope, if they so thought fit, a temporal dominion.

At all events his spiritual authority would resume its sway over the minds of the Roman Catholics of Italy and of Europe. When the storm was overpast, the Pope might return to Rome, owing to love and affection that homage which would be paid to his sacred character, and that veneration which would be justly due to his exalted personal virtures.

You are directed to speak in the sense of this despatch to Cardinal Antonelli, and to give him a copy of it to be submitted to the Pope.

A copy of this despatch will be sent to Earl Cowley, for his information.

I am, &c.

(Signed) RUSSELL.

No. 2.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, October* 31, 1862.

AT a time when the new Minister of Foreign Affairs in France has thought it necessary to write a circular respecting the policy pursued by the Emperor in Italy, it may not be amiss to state once more the view taken by Her Majesty's Government of the Roman question.

In so doing, I am not deterred by any fear that this step will be construed into an undue pressure on the Government of the Emperor. In a matter so deeply affecting the welfare of Italy and the future peace of Europe, a frank interchange of opinions cannot be misinterpreted as an undue interference with the action of a friendly Government.

If the policy of the Emperor is right in point of justice and expediency, he ought not to persevere in it the less because the British Government differ from him on the subject. If it is wrong, he ought not to persevere in it simply from a fear of being supposed to be influenced by the views of the Government of Great Britain.

I will proceed to state what the opinion of the British Government is, and to explain some of the reasons by which that opinion is supported.

Her Majesty's Government think that the people of the Roman territory are the most competent judges of what is best for their own welfare and happiness. If, as the British Government have reason to believe, the Roman people wish to annex their State to the Italian Kingdom, and to make Rome the capital of Italy, they ought to be left free to do so. If, on the contrary, they wish to maintain the Pope on his Throne, and to acknowledge him as their Temporal Sovereign, as well as to reverence him as their Spiritual Head, they ought to be left free to do so.

This policy is very simple and very straightforward, but it cannot be carried into effect because for thirteen years a body of French troops has prevented any freedom of choice on the part of the Romans.

It is undoubtedly true that the law of nations allows exceptions to the general rule that each nation is the best judge of its own form of government.

Such exceptions, when in favour of intervention in support of existing Governments,

have been usually defended on the ground that by intrigue, by violence, or by military revolt, a minority had got possession of the seat of authority, and that if, by protecting the quiet majority, time were obtained, the nation would right itself.

Accordingly, the foreign occupations which have taken place in Europe were practically limited in point of time to a term of two, three, or five years.

In Rome alone we have witnessed the spectacle of a foreign occupation prolonged for thirteen years, and, at the same time, of a people less reconciled to the rule of their Sovereign at the end than they were at the commencement of this protracted period of endurance.

Her Majesty's Government think that this foreign occupation should now end.

They are aware that the Emperor of the French has conceived the benevolent design of reconciling the Pope with Italy; and they observe in His Majesty's letter of the 20th of May, published in the "Moniteur" of September 25, the expression of a desire and of an expectation that a reconciliation may take place between the Pope and Italy, between the Roman Government and Liberty.

Her Majesty's Government, however, while admiring the exalted views which prompted this desire, cannot share in the expectation thus expressed. The wide interval which separates the two conflicting parties appears to Her Majesty's Government to be impassable. The Pope considers that an abandonment of his claim to any portion of the former Papal territory which he has ceased to hold would be a violation of his conscience, and surely it does not become a Roman Catholic Sovereign to urge the Pope to do that against which his conscience revolts. And yet such a renunciation on the part of the Pope must necessarily be the basis of the reconciliation between the Pope and Italy which is contemplated by the Emperor of the French.

The Italian Government, on the other hand, have declared that Rome ought to be the capital of free Italy, and they will not abandon the hope that it may become so. A King of Italy, who in spite of the wishes of the people of Italy, should engage to acknowledge the Pope as the Temporal Sovereign of Rome would either become hateful to Italy or would be obliged to break his engagement in order to preserve his throne. And yet such an engagement on the part of the King of Italy forms the basis of the reconciliation between the Pope and Italy which is contemplated by the Emperor of the French.

Tumults and disorders would be the too probable consequence of any arrangement which excluded the authority of the King of Italy from Rome, and the Pope would become obnoxious to all as the cause of those tumults and disorders. Force would be introduced to suppress tumult, and a solution would be found amid bloodshed, tarnishing the sacred character of the Pontiff, and at variance with the exemplary moderation which the Italian nation have hitherto exhibited under the severest trials.

For these reasons, to which the Emperor in his wisdom will no doubt give their due weight, Her Majesty's Government are of opinion that Rome ought to be left to the Romans.

You will read this despatch to M. Drouyn de Lhuys, and you will give him a copy of it if he should desire it.

I am, &c.
(Signed) RUSSELL.

No. 3.

Earl Cowley to Earl Russell.—(Received November 8.)

My Lord, *Paris, November 7, 1862.*

I TOOK the first opportunity after receiving your Lordship's despatch of the 31st ultimo, containing the views of Her Majesty's Government on the Roman question, of communicating it, in compliance with your Lordship's instructions, to M. Drouyn de Lhuys. His Excellency, after reading it (I had placed the despatch in his hands for that purpose) said that he thanked me for the communication; that he would not at present ask me for a copy of it; that he could retain the contents sufficiently in his memory to repeat them accurately to the Emperor, whose orders he would take the first time he had occasion to see His Majesty; and that if the Emperor desired to see the despatch itself he would ask me for a copy of it.

M. Drouyn de Lhuys proceeded to say that it was evident from your Lordship's despatch that Her Majesty's Government entertained opinions upon the Roman question differing so essentially from those of the Emperor, as contained in His Majesty's letter of the 20th May, that they were irreconcileable, nor could he lead me to expect, seeing

how short a time had elapsed since the letter had been made public, that His Majesty's views were likely to be modified at present. He could only assure me that the Emperor and his Government desired, if possible, more ardently than Her Majesty's Government, the evacuation of Rome by the troops of France, but that His Majesty considered himself bound in honour to protect the Pope within the territory which remained to him, so long as His Holiness should continue unable to protect himself, or should not enter into some arrangement with the Italian Government, satisfactory to both parties. His Excellency could not agree with your Lordship in looking upon the latter contingency as impossible of realization. He would then ask Her Majesty's Government whether, seeing that no material interest of Great Britain was involved in the immediate solution of the Roman question, while the Emperor's word was pledged to the maintenance of the Pope's safety and authority, in which the whole Roman Catholic world was interested, it would conduce to any good end to agitate this question—a question which he might term purely academical—between the two Governments. If, indeed, there were reason to suppose that the Emperor was actuated by any afterthought or unavowed design in continuing the occupation of Rome, he could understand the desire of Her Majesty's Government to push their opposition to it to the utmost; but his Excellency was ready to give me the assurance—an assurance founded on his knowledge of the Emperor's sentiments—that there was no ground for any such suspicion, if it existed, and that His Majesty looked anxiously and ardently for the moment when he might withdraw his troops with honour. Such being the case, M. Drouyn de Lhuys could only hope that the unfortunate difference of opinion which prevailed between the two Governments on the Roman question would not prevent a friendly understanding between them on other questions in which they had interests in common. There were specks enough on the political horizon to justify great anxiety. Look at Greece, where the events which had lately occurred might be the forerunner of still greater complications in the East. Look at America, so intimately connected with the commercial prosperity of the two nations. Surely there was sufficient to occupy the attention of the two Governments, without prolonging a useless discussion upon the Roman question; useless, because there was no hope of either Government convincing the other. For himself he had some pride, and still greater satisfaction, in reflecting that he had had no small share in laying the foundations of these amicable relations, which, he was glad to find, still subsisted between the two Governments, and which it would be his earnest endeavour to extend and strengthen.

I said to M. Drouyn de Lhuys that I could, without referring to your Lordship, take upon myself to give him the assurance that, however much Her Majesty's Government might regret the failure of their efforts to convince the Imperial Government of the justice and expediency of withdrawing the French troops from the Roman States, it would not in any way influence their conduct in regard to any other questions. They placed too high a value on the advantages accruing not only to the two nations, but to the whole civilized world, from a general good understanding between the two Governments, to imperil these relations because the two Governments might not agree on every question. It could, however, I maintained, hardly be asserted that Great Britain had no direct interest engaged in the Roman question, because in the opinion of Her Majesty's Government, the future peace of Europe might be affected by it. It was therefore their bounden duty to give such advice and to ask for such concessions as, in their judgment, were best calculated to avert the possibility of so great a calamity. M. Drouyn de Lhuys knew also the derangement caused to commerce when a country was in the state of uncertainty in which Italy was now plunged; and, lastly, there were great international interests involved in the important question of foreign occupations.

M. Drouyn de Lhuys replied that, with regard to the latter point, that of foreign occupation, he could not consider the Roman Sovereign to be in the same position as other Sovereigns. And this was no new idea, indeed it was one in which Her Majesty's Government had seemed at one moment to acquiesce, as he could show me. His Excellency then read me extracts from a long Memorandum which he had caused to be compiled, with a view of seeing at a glance what had passed between Her Majesty's Government and that of France when the question of the occupation of Rome was first mooted in 1848.

During the administration of General Cavaignac, and before the name of Napoleon had been brought forward, M. Bastide, then Minister for Foreign Affairs, announced to Her Majesty's Government the intention of sending a small force to Rome, and grounded this intention upon the exceptional necessity of treating the Pope differently from other Sovereigns, and maintaining his independence and temporal power.

According to the reports received from M. de Beaumont, then the French Representative in London, Her Majesty's Foreign Secretary had acquiesced in the exceptional

necessity of this case; and subsequently, both when he (M. Drouyn de Lhuys) was Secretary for Foreign Affairs, and when afterwards Ambassador in London sent expressly to explain the policy of the President's Government with regard to Rome, the same exceptional necessity for upholding the temporal authority of the Pope was pleaded, and was not contested by Her Majesty's Government. He (M. Drouyn de Lhuys) did not mean to contend that their acquiescence had not been accompanied with expressions of deep regret, or that Her Majesty's Government would not have preferred other means to secure the Pope's authority than the employmnent of force; still less did he desire to quote the policy of Her Majesty's Government in those days as binding upon them now. Many reasons might then have induced them to acquiesce in a state of things which they might consider intolerable now. All he intended to deduce from the extracts which he had read to me was, that the policy of France had been a consistent policy; that the necessity of protecting the independence and temporal authority of the Pope had been as much recognized by Republican as it now was by Imperial France; and that, consequently, there was no foundation for any supposition that the Emperor was actuated by any other motive than that which he had avowed. Perhaps, also, he (M. Drouyn de Lhuys) might indulge the hope, in re-perusing the correspondence of thirteen years ago, that the friendly spirit in which the first intention of occupying Rome had been received by Her Majesty's Government would be a guarantee to their no less indulgent patience now.

M. Drouyn de Lhuys begged Her Majesty's Government to recollect further that to leave the future fate of the Pope to his Roman subjects could not be practically carried out. The Roman population had been so tried by foreign emissaries, and the Roman States would be so completely overrun by foreign revolutionists, if an opportunity was given, that the true sentiments of the people could never be ascertained.

Furthermore, he desired to point out that there never had been a national army in the Pope's service. The Roman population was not militarily inclined. Swiss, Irish, Germans, Spaniards had formed the mercenary corps which received his Holiness' pay. Would it be desirable to establish such a corps to replace the present army of occupation? On the other hand, could the Emperor in honour abandon the Sovereign Pontiff, whom he had engaged to protect and had protected during the past years, to the certainty of dethronement and perhaps of worse?

I replied that I was glad to find that M. Drouyn de Lhuys did not attach more importance than was warranted to the acquiescence of Her Majesty's Government in the primary occupation of Rome. They certainly never then contemplated that that occupation would last thirteen years, or that Italy was about to erect herself into an united and independent State. Moreover, it must be recollected that the present state of Italy was the result of the Emperor's intervention to emancipate the Italian people from the yoke of Austria. Yet what a lamentable consequence of the benefits which nobody would contest the Emperor had been the means of conferring upon Italy would it be were those Governments only which had been the least onerous (that of Naples of course excepted) to be overthrown, while one recognized to be incompatible with the progress of the age was maintained by the very means which had so much contributed to the downfall of the others. I desired, I said, in the presence of a Minister of a Roman Catholic Sovereign, to speak of the spiritual authority of the Head of that Church with every respect, but every one must admit and deplore the vices of his temporal government.

M. Drouyn de Lhuys replied that although he could not deny certain abuses, yet he considered them to be greatly exaggerated.

Such, my Lord, is the summary of a conversation conducted with perfect temper on both sides. I wish I could add that I considered it likely to be followed by any modification of the Imperial policy in Italy.

I have, &c.
(Signed) COWLEY.

No. 4.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, November* 15, 1862.

I HAVE not failed to lay before the Queen your despatch of the 7th instant.

Her Majesty's Government did not expect that the communication of their views would produce any immediate change in the policy of France; but believing those views to be inspired bv a warm regard for the interests of Italy, and to be conducive to the

peace of Europe, Her Majesty's Government cannot consent to change or to modify them.

The only new argument brought forward by M. Drouyn de Lhuys consists in a reference to the events of 1848 and 1849, and the acquiescence of Her Majesty's Government in the French occupation of Rome at that time. But acquiescence did not imply approbation; still less would approbation then imply approbation now. Your Excellency rightly argued that the whole state of Italy has altered since that time: the state of Lombardy, Modena, Parma, Tuscany, Romagna, Umbria, the Marches, and the Kingdom of the Two Sicilies has altered; in short, everything has changed except the French occupation of Rome.

The generosity of the French nation will probably at length perceive the injustice of keeping all Italy in a condition of anxiety, and the Romans in a condition of miserable servitude.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Odo Russell to Earl Russell.—(Received November 28.)

(Extract.) *Rome, November 11, 1862.*

IN obedience to your Lordship's instructions I called this morning on the Cardinal Secretary of State at the Vatican, and told him that Her Majesty's Government had observed with great interest the correspondence respecting Rome which had been published in the "Moniteur" of the 25th of September last, and that I would, with his Eminence's permission, communicate a despatch to him which I had received from your Lordship on the subject.

I then read your Lordship's despatch of the 25th of October to Cardinal Antonelli, who listened with great attention, and when I had done, said, he thought your Lordship could scarcely be more anxious than he was that Rome should not be the seat of a perpetual foreign occupation.

He ardently desired to see the Pope in full possession of that independence which became the Sovereign Pontiff, the visible Head of the Roman Catholic Church, independent of enemies who persecuted the Church, and independent of friends, whose protection could not unhappily yet be dispensed with.

But since the enemies of order and legitimate right in Italy had been encouraged in their reckless and immoral course, and since the Pope had not the means to protect the temporal interests of the Church against their violence and rapacity without foreign assistance, he was compelled to accept the protection afforded him by the presence of a French garrison in Rome.

Your Lordship observed truly that this melancholy state of things in Italy wounded the kind heart and harrowed the paternal feelings of His Holiness, and you were equally right in concluding that the conscientious feelings of duty of the Pope would always oblige him to refuse any terms of accommodation, whether recommended by the Emperor of the French, or by any other Power, which should leave him with less than his former territory.

The reasons which prompted this course of action were obvious.

The Pope did not hold the States of the Church as an inheritance from his ancestors, and could not dispose of them at his will either before or after death. As Vicar of Christ he held them in trust from God for the Catholic world; and as he received them, so he had to leave them to his successor, according to the oath taken by the Pontiffs on ascending the throne of St. Peter.

And again the Pope, as Vicar of Christ, and therefore as the guardian of religion and morality on earth, could not give his sanction to acts which violated every law of public morality and of legitimate right; and however much his heart might bleed at the sad conflict around him, he had a duty, as Head of the Catholic Church, to perform, for which he was answerable to God alone in heaven and not to man upon earth.

This conscientious policy pursued by the Pope had been publicly and unanimously approved by the whole of the Bishops of Catholic Christendom, and while his Holiness could fulfil the sacred duties of his office in any portion of the Holy See, however small and limited, with freedom and independence, it was his duty to assert the temporal rights of the Church by remaining in it, until violently

driven away by the enemies of religion. Now your Lordship, animated by a friendly feeling to both parties, suggested that the Pope should retire from the conflict, and expect in tranquillity the issue which, in the order of Providence, might await the Papacy and determine the fate of Italy.

But the abandonment of Rome, so long as its possession was guaranteed by France, would be tantamount to that very abdication of temporal rights which the conscientious feelings of duty of the Sovereign Pontiff for ever precluded.

If the Pope left Rome the Emperor of the French would naturally recall his troops to France, and Rome would be invaded by the enemies of the Church; a contingency towards which the Pope in his conscience could never contribute by any voluntary act of his own, so long as he could there freely exercise the spiritual and temporal duties of his high office.

On the other hand, should it ever so please Providence, in the course of events, to allow the French protecting forces to be withdrawn, and the Piedmontese to invade Rome, and should the free exercise of the Pontiff's spiritual duties thereby be endangered, then, and not till then, would it become the Pope's paramount duty to seek protection for the independence of the Church in some foreign land, and the generous offers of hospitality now made by Her Majesty's Government might be gratefully accepted.

Cardinal Antonelli then requested me to thank your Lordship in the warmest terms for the communication I had made to him, and asked me for a copy of your despatch, which he said he would submit to the Pope.

No. 6.

Mr. Odo Russell to Earl Russell.—(Received December 18.)

(Extract.) *Rome, November 28, 1862.*

WITH reference to your Lordship's despatch of the 25th of October, and to my reply of the 11th of November, I have the honour to state that I asked Cardinal Antonelli this morning whether he had submitted to the Pope the reasons for which your Lordship thought that it would become His Holiness to retire from the present conflict, and expect in tranquillity the issue which, in the order of Providence, might await the Papacy, and determine the fate of Italy; and I further inquired how His Holiness had taken the offers of hospitality made to him in consequence by Her Majesty's Government.

Cardinal Antonelli replied that he had communicated your Lordship's despatch to the Pope the day after I had given him a copy of it, namely, on the 12th of November, and that His Holiness had fully acknowledged the friendly spirit in which that communication had been made; but that since it was his manifest duty to remain in Rome so long as he could do so with advantage to the spiritual interests of the Church, he could but thank Her Majesty's Government for their intentions, but he could not share their opinions, nor could he avail himself of their hospitable offers at present.

No. 7.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, January 29, 1863.*

THERE is in the volume called "Documents Diplomatiques," presented by the Government of the Emperor to the Legislative Chambers, the copy of a despatch from the Ambassador of France at Rome dated the 27th of December, 1862.

In this despatch the Prince of La Tour d'Auvergne gives information "which," he says, "he has reason to believe correct, concerning the proposition recently made to the Holy See by Lord John Russell to place the Island of Malta at the disposal of the Pope, in case he should consent, as England advised him, to abandon Rome to Italy."

The information collected by the Ambassador is to the following effect:— It is that in the course of the summer Mr. Odo Russell, who was about to leave Rome on leave, asked for an audience of the Pope. The audience being granted,

he pleaded, as was usual with him, in favour of the cause of Italian unity. That when Mr. Russell was about to take leave of His Holiness, and when he was already at the door of the Pope's Cabinet, the Holy Father, without apparently attaching the smallest importance to the circumstance, addressed Mr. Russell in these words:—"Farewell, my dear Mr. Russell; who knows whether one day I may not be obliged to ask from you a hospitable reception?" At these words Mr. Russell, it is said, returned into the Cabinet, and asked His Holiness whether, in fact, he feared he should be obliged to quit Rome, and whether in that case he would be really disposed to go to England. The Pope at once tranquillized Mr. Russell, adding that he did not know what trials Providence reserved for him, but for the moment he had no apprehension, and had no thoughts of quitting Rome. Mr. Russell, the French Ambassador says, no doubt, transmitted the account of this conversation to his Government, exaggerating, perhaps, its importance, and was soon after, it is affirmed, recalled to London by telegraph. The narrative given by the Ambassador goes on to affirm that Mr. Odo Russell on his return to Rome in the month of November, presented to the Cardinal Secretary of State a note from Her Majesty's Government advising the Pope to leave Rome, and to go to France, Spain, or Malta. This note Mr. Russell is said to have given to the Cardinal, authorizing him confidentially to make such use of it as he might think proper. The Cardinal is said to have hastened to reply that he had no use to make of the note, since the Pope had not the smallest intention of leaving Rome. The Ambassador then proceeds to accuse Mr. Russell of violating his duty by communicating on the subject with a Diplomatic Envoy accredited to the Holy See.

The Cardinal Secretary of State, however, it is said, considered the incident at an end when Mr. Russell presented himself again to his Eminence on the occasion of the festival of Christmas, and informed him that he had just received a private letter from Lord Russell, in which Lord Russell expressed his deep regret at learning that the Pope was not for the present disposed to accept his proposals, adding that he had reason to believe that His Holiness would soon find himself under the necessity of profiting by it. But Cardinal Antonelli, it is said, made no reply to this communication.

Such is the narrative which the Ambassador of France has compiled from the hearsay of Rome, and which the Minister for Foreign Affairs has published to the French Chambers and to the world without apparently asking you whether this despatch contained a true account of the transactions to which it related as having passed at Rome.

Such being the hearsay account given by the French Ambassador at Rome, I owe it to Mr. Russell to state what really happened so far as he was concerned; and it is due to Her Majesty's Government that I should place in the hands of M. Drouyn de Lhuys a statement of what they have done in this matter.

That which happened was as follows:—

Mr. Russell, on the 25th July, 1862, received unexpectedly from the Vatican a written intimation that the Pope would receive him at 12 o'clock on the next day. Mr. Russell, accordingly, went to the Vatican on the 26th of July, and in the course of a conversation of some length the Pope expressed a wish to know whether if any circumstances should at any time lead him to desire to take refuge in England he would be well and hospitably received there. To this question Mr. Russell could of course give only a general answer.

From this statement it will be seen that, instead of Mr. Russell asking an audience of the Pope, and at that audience making to the Pope an offer of an asylum at Malta, it was the Pope who sent for Mr. Russell, and it was the Pope who started the idea that he might, under certain circumstances, wish to reside in British territory.

This conversation having been reported by Mr. Russell, led to the despatch of the 25th of October, of which I send your Excellency a copy, to be communicated to M. Drouyn de Lhuys, together with some other parts of the correspondence on this matter.*

It is right that I should explain that Mr. Russell was not called home from Rome, as the French Ambassador imagined, in consequence of his interview with the Pope; Mr. Russell simply received a direction to absent himself from Rome on account of his health during the unhealthy season in that city.

* Nos. 1, 5, and 6.

As to the private letter which the French Ambassador states that I wrote in December to Mr. Russell, and which he imagines that Mr. Russell communicated to Cardinal Antonelli, I have only to say that I did not write such a letter, and that consequently no such letter was communicated by Mr. Russell to the Cardinal in any shape or manner.

Your Excellency will read this despatch to M. Drouyn de Lhuys, and give him a copy of it.

I am, &c.
(Signed) RUSSELL.

No. 8.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, January* 31, 1863.

I HAVE to state to your Excellency, with reference to my despatch No. 130 of the 29th instant, that I have received a further despatch from Mr. Russell at Rome, who, it appears, was admitted to an audience of the Pope on the 7th instant, to offer His Holiness his good wishes on the commencement of the new year.

On this occasion the Pope was pleased to state to Mr. Russell that he had been gratified by the offers of hospitality made to him by Her Majesty's Government: and he requested Mr. Russell to convey to Her Majesty's Government his thanks for the despatch which he had communicated to Cardinal Antonelli, offering His Holiness the use of a mansion at Malta. His Holiness was pleased to add that although under existing circumstances he would not avail himself of the protection of England, he nevertheless desired to thank Her Majesty's Government for their good intentions.

I am, &c.
(Signed) RUSSELL.

Correspondence relative to the Affairs of Rome.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

REGULATIONS

ISSUED BY THE

RUSSIAN GOVERNMENT

IN REGARD TO

TRADE

WITH THE

EASTERN COAST OF THE BLACK SEA.

Presented to the House of Lords by Command of Her Majesty.
1863.

LONDON:
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Correspondence respecting the Regulations issued by the Russian Government in regard to Trade with the Eastern Coast of the Black Sea.

No. 1.

Lord Wodehouse to the Earl of Clarendon.—(*Received August* 4.)

(Extract.) *St. Petersburgh, July* 24, 1856.

PRINCE GORTCHAKOFF said, that the Turks ought, according to the Treaty, to have delivered up Anapa and the other ports on the Circassian coast into the hands of the Russians, and not to have left them to be occupied by the Circassians.

I observed that I thought that that depended upon whether the Circassian coast was recognized as territory belonging to Russia; and I begged to remind him that England had never recognized the right of Russia to possess that coast.

Prince Gortchakoff contended that in the discussions which arose out of the case of the "Vixen," the British Government had clearly admitted the sovereignty of Russia over the coast of Circassia, because, after consulting the Law Officers of the Crown, they had come to the conclusion that there was no valid ground for remonstrating against the seizure of that vessel by the Russians. I observed that, if I remembered the case rightly, it was held that the seizure of the "Vixen" might be justified upon the ground that she had broken the blockade of the coast established by the Russians; but I could not see how an admission on the part of the British Government of the right of the Russians to enforce a blockade could in any way constitute a recognition of the territorial sovereignty of Russia over the coast blockaded.

Prince Gortchakoff replied that, at all events, the right of Russia to the sovereignty over Circassia was undoubted, as it was based upon the Treaty of Adrianople, by which Turkey ceded Circassia to Russia. The point had been the subject of long discussion between Austria and Russia, which had ended in Austria recognizing the right of Russia to the territory in question.

I said that whatever Austria might have done, of which I knew nothing, I must repeat to him that, as far as I was aware, England had never recognized such a right, and it was difficult to understand what title Turkey could give Russia to the sovereignty over countries inhabited by independent tribes.

Prince Gortchakoff said that the Sultan had always exercised suzerainty over those tribes, and that he had distinctly made over his rights to Russia; and he must protest against being supposed to admit that there could be any question as to the territorial rights of Russia in the Caucasus.

I said I had no wish to discuss the question with him, but that as he had complained of the Turks having left the forts on the coast in possession of the Circassians, I had thought it well to guard against its being supposed that England had recognized the claim of Russia to sovereignty over the Circassians.

I then asked Prince Gortchakoff what were the intentions of the Russian Government with regard to the commerce of foreign nations with Circassia, in which, I said, Her Majesty's Government took much interest. It seemed to me, I said, that the only way to put an end to the continual warfare between the mountaineers and the Russians, and to civilize the tribes of the Caucasus, would be to encourage them to trade.

Prince Gortchakoff's reply was that the commerce with the Circassian coast might be carried on in the same manner as it had been before the late war, viz., under the regulations which applied to the rest of the Russian Empire; trade in arms, or other contraband of war, being of course prohibited. The Circassian tribes had no port, and, even if they had, they had nothing to give in exchange

for foreign goods. "Let one of your merchants," Prince Gortchakoff said, "try to trade with them, and he will soon see whether they are the sort of people with whom trade can be carried on." The Emperor, his Excellency added, was most anxious that the tribes of the Caucasus should be civilized, and every effort had been made by the late Governor-General, Prince Woronzow, with that view. Unfortunately, however, he had met with little success, and it could scarcely be hoped that the present Governor-General would be more fortunate.

I endeavoured to obtain from his Excellency a more direct answer to my question, as to whether it was the intention of the Russian Government to allow trade to be carried on with the independent tribes: but I was unable to obtain from him any more distinct information on this point.

I cannot but apprehend, from the general tone of Prince Gortchakoff's observations with regard to Circassia, that it is the intention of the Russian Government to renew the prohibition to trade with the Circassians which existed before the late war.

No. 2.

The Earl of Clarendon to Lord Wodehouse.

My Lord, *Foreign Office, August* 5, 1856.

I HAVE to state to your Lordship that Her Majesty's Government entirely approve the language which you held to Prince Gortchakoff on the affairs of Circassia, as reported in your despatch of the 24th ultimo.

It is well known that the Porte, in ceding Circassia to Russia, ceded a territory which the Sultan did not possess, and a sovereignty which did not belong to her, as the Circassians did not acknowledge the Sultan as their Suzerain.

Count Orloff on several occasions told me at Paris that it was the desire of the Emperor that the tribes of the Caucasus should be civilized, and although he said that the efforts of Count Woronzow for that purpose had not been attended with success, yet that the Emperor intended that they should have every facility given to them for carrying on trade with other countries, although an exception would probably be made against the importation of arms and ammunition which would be used for making war on Russia.

My answer to Count Orloff was that the most effectual mode of prohibiting such articles would be by Russia not making war on those tribes, who would then import commodities more useful to them, and better adapted to the civilizing process which the Emperor wished them to undergo.

I am, &c.

(Signed) CLARENDON.

No. 3.

Lord Wodehouse to the Earl of Clarendon.—(Received December 29.)

(Extract.) *St. Petersburgh, December* 17, 1856.

PRINCE GORTCHAKOFF has requested me to call the serious attention of Her Majesty's Government to the trade which he states is being carried on by English ships with the Circassian coast, in violation of certain Russian regulations.

He said the traffic in slaves, to put down which had been the principal object of Russia in establishing a line of forts on that coast, had revived since the destruction of these forts and the absence of Russian cruizers in the Black Sea, and he hinted that this revival was not altogeter unconnected with the British trade to which he had alluded.

I asked Prince Gortchakoff whether he meant seriously to accuse British vessels of having carried on the Slave Trade in the Black Sea, and if so, upon what grounds this accusation was based; as, until I was convinced of it by undeniable evidence, I must totally disbelieve in such a crime having been committed by British subjects. As to the absence of Russian cruizers, Her Majesty's ships, I said, were not less vigilant than Russian ships, and would certainly have seized any British vessel engaged in the Slave Trade.

Moreover, so determined were Her Majesty's Government to leave nothing

undone to prevent slaves from being conveyed from Circassia to Turkey, that they had run the risk of giving great offence to the prejudices of the Turks during the war, by the earnestness of the remonstrances which they had addressed to the Porte upon this subject.

Prince Gortchakoff said that he had no proof of the Slave Trade being carried on by British vessels beyond a general suspicion, and the impossibility of any trade being carried on with the Circassian coast, except in slaves, as the Circassian tribes had no other commodities to offer in exchange.

Moreover, the principal articles they took in return were arms and gunpowder, so that it was on every account a trade which Russia could not permit, and measures would be taken to put a stop to it as soon as the Russian vessels allowed by the Treaty for the service of the coasts of the Black Sea were ready for service. In the mean time, he was anxious that Her Majesty's Government should have full notice of this intention, in order that the recurrence of any disagreeable incident, such as that of the "Vixen," might be prevented.

With regard to the trade which he stated was carried on by British vessels with points on the coast with which, by the Russian Custom-house Regulations, vessels are forbidden to communicate, I said I had no information on the subject; but I thought it very possible that those points were on territory occupied by the independent tribes and not under the authority of Russia. However that might be, I would not fail, I said, to report to your Lordship the observations he had made to me, as I entirely agreed with him that it was of great importance to prevent the disagreeable consequences which might result from the seizure of British ships by the Russian cruizers.

Prince Gortchakoff said he should be glad if your Lordship would speak to Count Chreptowich on the subject, and that with that view he had placed that Minister in possession of the Report of Prince Bariatinsky, the Governor-General of the Caucasus, which went into full details on the whole matter.

No. 4.

Lord Wodehouse to the Earl of Clarendon.—(*Received October* 31.)

(Extract.) *St. Petersburgh, October* 23, 1857.

THE Regulations respecting trade with the Circassian coast have at length appeared in the form of an official notice published in the Russian newspapers. I have the honour to inclose herewith two copies of the French version published in the "Journal de St. Pétersbourg."

These Regulations amount simply to the prohibition of all foreign trade with the Circassian coast, called in the notice "Littoral Asiatique de la Mer Noire," with the exception of Anapa, Soukoum Kalé, and Redout Kalé.

Prince Gortchakoff in the course of a conversation which I had with him yesterday, alluded to this announcement, which he said he trusted would effectually prevent all misunderstanding on this subject on the part of foreign traders.

I replied that the matter was too grave for me to discuss fully, until I had learnt the views of Her Majesty's Government respecting the notice which had been issued, but that I could not doubt that Her Majesty's Government would learn with much regret that a measure had been adopted by which commercial intercourse with the Circassian coast would be restricted within such narrow limits.

I endeavoured, in the conversation which ensued, to ascertain clearly the position which Russia now assumes in regard to the Circassian tribes, and the grounds upon which, with reference to the Article in the Treaty of Paris neutralizing the Black Sea, she asserts the right to prohibit all trade with so considerable a portion of the coast of that Sea.

The view taken by the Russian Government appears to be this: that Circassia was by the Treaty of Adrianople ceded to Russia by Turkey, and that this cession was virtually confirmed by the XXXth Article of the Treaty of Paris, which states that "Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Sultan maintiennent dans son intégrité l'état de leurs possessions en Asie, tel qu'il existait légalement avant la rupture;" and that therefore the measures adopted against the Circassians on the coast of the Black Sea are not a violation of the neutrality of that sea, because the hostilities between the Russians and Circassians are not to be regarded as a war between independent nations but as the repression of a

revolt; in short, Russia claims the whole of the country occupied by the Circassian tribes as an integral portion of her territory, and asserts the right to deal with the inhabitants as insurgents.

It follows of course, as a natural consequence, that the Russian Government contend that the regulation prohibiting foreigners from intercourse with the Circassians comes within the scope of the "réglements de santé, de douane, de police," contemplated by the XIIth Article of the late Treaty. It would be difficult to show that they are "conçus dans un esprit favorable au développement des transactions commerciales;" nevertheless Prince Gortchakoff maintains that in the present condition of the Circassian tribes very little commerce can be carried on with them, and that even putting out of the question the expediency, as a military measure, of cutting off their communication with foreigners in order to reduce them to submission, and to prevent their receiving supplies of arms and ammunition, it is very doubtful if it would be worth while at present to establish quarantine and Custom-house establishments at other points than Anapa, Soukoum Kalé, and Redout Kalé.

Inclosure in No. 4.

Extract from the "Journal de St. Pétersbourg" of October $\frac{6}{18}$. 1857.

DEPUIS le rétablissement de la paix quelques doutes ont pu s'élever relativement à la navigation et au commerce des nations étrangères dans la Mer Noire. C'est donc pour faire cesser toute incertitude à cet égard que le Gouvernement Impérial croit devoir porter ce qui suit à la connaissance du public et surtout du commerce étranger.

Ainsi que le Traité de Paris l'a solennellement proclamé, les eaux et les ports de la Mer Noire sont ouverts à la marine marchande de toutes les nations. Libre de toute entrave, le commerce dans les ports et dans les eaux de la Mer Noire n'est assujetti qu'à des règlements de santé, de douane, de police, conçus dans un esprit favorable au développement des transactions commerciales.

Telles sont les dispositions expresses du Traité de Paris. Le Gouvernement Impérial a l'intention de s'y conformer scrupuleusement pour ce qui le concerne.

Mais le maintien des règlements de santé, de douane et de police, quelque libéral que soit l'esprit dans lequel ils sont conçus, exige des mesures de surveillance; et le long du littoral Asiatique de la Mer Noire, elles sont doublement nécessaires vu l'état intérieur des provinces du Caucase.

Des établissements de quarantaine et de douane existent à Anapa, à Soukhoum-Kalé et à Redout-Kalé. Ces trois points sont donc seuls, pour le moment, ouverts aux bâtiments étrangers. Si, dans la suite, les circonstances permettraient d'établir des autorités douanières et de quarantaine dans d'autres endroits de la dite côte, et d'y admettre des bâtiments étrangers, avis en sera donné au commerce. En attendant, l'approche des ports, baies et hâvres du littoral Asiatique, à l'exception d'Anapa, de Soukhoum-Kalé, et de Redout-Kalé, demeure interdite aux bâtiments étrangers.

Pour constater la régularité de leur destination, les bâtiments étrangers seront tenus de faire viser leurs papiers de bord par des Agents Consulaires Russes.

Le Gouvernement Impérial n'entend nullement entraver ni gêner d'une manière quelconque le développement des transactions commerciales licites et régulières. C'est dans l'intérêt de l'état sanitaire de ses côtes, plus encore que dans celui du fisc, dans l'intérêt de l'ordre public, qui profite aux transactions commerciales de l'étranger comme à celles des nationaux eux-mêmes, que le Gouvernement Impérial veillera, ainsi qu'il en a le droit, au maintien des restrictions annoncées ci-dessus. Toute tentative des navigateurs étrangers de se mettre en communication avec la côte, hors d'Anapa, de Soukhoum-Kalé, et de Redout-Kalé, provoquera donc de la part des autorités Russes des mesures de répression établies contre la contrebande et les contraventions aux règlements sanitaires. Ceux qui s'y exposeraient n'auront qu'à s'en prendre à eux-mêmes des conséquences de leur conduite.

(Translation.)

SINCE the re-establishment of peace some doubts may have arisen relative to the navigation and commerce of foreign nations in the Black Sea. It is therefore in order to put an end to all uncertainty in this respect that the Imperial Govern-

ment think it their duty to make the following communication to the public, and especially to foreign commerce.

As the Treaty of Paris has solemnly proclaimed, the waters and ports of the Black Sea are open to the mercantile marine of all nations. Free from any impediment, the commerce in the ports and waters of the Black Sea is only subjected to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions.

Such are the express provisions of the Treaty of Paris. The Imperial Government intend, as far as regards them, scrupulously to conform thereto.

But the maintenance of regulations of health, customs, and police, however liberal may be the spirit in which they are conceived, demands measures of surveillance, and along the Asiatic coast of the Black Sea they are doubly necessary owing to the internal state of the Caucasian provinces.

Quarantine and Customs establishments exist at Anapa, at Soukhoum-Kalé, and at Redout-Kalé. These three points then alone are, at the present time, open to foreign vessels. If, at a future time, circumstances should permit of the establishment of custom-house and quarantine authorities in other places on the said coast, and of the admission of foreign vessels in the same, notice shall be given to commerce. Meanwhile, the approach to the ports, bays, and harbours of the Asiatic coast, with the exception of Anapa, Soukhoum-Kalé, and Redout-Kalé, remains closed to foreign vessels.

In order to prove the authenticity of their destination, foreign vessels will be obliged to have their ship papers viséd by Russian Consular Agents.

The Imperial Government have no intention of impeding or in any way restricting the development of lawful and regular commercial transactions. It is in the interest of the sanitary state of their coasts, more even than in that of the Treasury, in the interest of public order, which profits by the commercial transactions of foreigners as well as by those of the natives themselves, that the Imperial Government will watch, as they have the right, over the maintenance of the above-mentioned restrictions. All attempt, therefore, on the part of foreign navigators to put themselves in communication with the coast, except at Anapa, Soukhoum-Kalé, and Redout-Kalé, will give rise on the part of the Russian authorities to the measures of repression in force against smuggling and transgressions of the sanitary regulations. Those who expose themselves thereto will only have to thank themselves for the consequences of their conduct.

No. 5.

The Earl of Clarendon to Lord Wodehouse.

(Extract.) *Foreign Office, November* 17, 1857.

I HAVE to state to your Lordship that I have spoken to the Russian Minister at this Court respecting the limitation of commerce with the eastern coast of the Black Sea to the three ports of Anapa, Soukoum Kalé, and Redout Kalé, as being contrary to the intentions of the Congress of Paris and to the assurances of the Russian Plenipotentiaries. Count Chreptowitch has, however, informed me that he understands the measure to be only a temporary one until custom-houses can be established at other ports, the object being to check the large contraband trade in munitions of war which is carried on between Turkey and Circassia.

Count Chreptowitch, who is going to St. Petersburgh immediately, has promised to report my observations to his Government, and also to inform your Lordship of the result.

No. 6.

The Earl of Clarendon to Lord Wodehouse.

(Extract.) *Foreign Office, December* 22, 1857.

HER Majesty's Government have had under their consideration your Lordship's despatch of the 23rd of October, inclosing a copy of a notice issued by the Russian Government restricting foreign commerce with the eastern coast of the Black Sea to the ports of Anapa, Soukoum Kalé, and Redout Kalé, and I have now to make to you the following observations with reference to that notice.

By the XIIth Article of the Treaty of Paris it has been stipulated that "free from every impediment, the commerce in the ports and waters in the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions," and by the same Article Russia and Turkey bind themselves to admit Consuls into their ports situated on the coast of that sea.

The meaning and intention of those stipulations are obviously to give plenary effect to the announcement embodied in the XIth Article, that "the Black Sea is neutralized, its waters and its ports thrown open to the mercantile marine of every nation;" but by the Russian notice it is declared that with the exception of Anapa, Soukoum and Redout Kalé, "all approach to the ports, bays, and harbours on the Asiatic coast is to continue interdicted to foreign ships."

The plea for this general exclusion is, that admission is to be contingent upon the formation of regulations for health, customs, and police, and that until such establishments are organized the ports must remain closed.

Organization has only been effected in the three ports named, and "if at some future time circumstances should permit the formation of customs and quarantine establishments at other points of the coast, and permit the entrance of foreign vessels, intimation will be given to that effect hereafter."

I have to observe to your Lordship that this proceeding is clearly an inversion of the order established by the Congress of Paris, by which the ports of the Black Sea have already been declared "open to the mercantile marine of all nations," subject to such regulations, for their own convenience and safety, as Russia and Turkey might see fit to establish for the security of health, police, and revenue. The Russian Government declares, on the contrary, that they shall continue closed until their quarantine and customs have been organized.

But the ports of the Black Sea having been declared open to the flags of all countries, it is not competent to Russia so to reverse, by her individual will, an international arrangement solemnly established and recorded by the Congress of Paris, and which has consequently become part of the public law of Europe.

It rests with Russia to make such internal arrangements, in conformity with the Treaty, as may best suit her own interest and convenience, but it never can be admitted that the execution of the Treaty of Paris should be placed in suspense until it may suit the convenience of Russia to organize her quarantine and customs arrangements.

Moreover, it is impossible to maintain that these regulations are drawn up in a spirit favourable to the development of commercial transactions, and it is obvious that if the exercise of the power claimed by Russia in this respect were agreed to by foreign Governments, the Russian Government might, whenever it thought proper, close even the three ports of Anapa, Soukoum and Redout Kalé, thus rendering utterly nugatory, so far as the eastern coast of the Black Sea is concerned, that portion of the Treaty by which freedom of trade in that sea is secured to the mercantile marine of every nation, subject only to such regulations of health, customs, and police as may be framed in a spirit favourable to the development of commerce.

I have, therefore, to instruct your Lordship to point out to Prince Gortchakoff the grounds upon which Her Majesty's Government consider that the notice in question is at variance with the Treaty of Paris.

No. 7.

Lord Wodehouse to the Earl of Clarendon.—(Received December 28.)

My Lord, *St. Petersburgh, December 19, 1857.*

WITH reference to your Lordship's despatch of the 17th ultimo, I have the honour to state that Count Chreptowitch has informed me that he has spoken to Prince Gortchakoff on the subject of the restriction of trade with the eastern coast of the Black Sea to the three ports of Anapa, Soukoum Kalé, and Redout Kalé. He said that the statement which he had made to your Lordship, that the measure is only to be considered a temporary one, had been confirmed by Prince Gortchakoff, who had assured him that it was fully intended that only such restrictions should be maintained as are necessary for the prevention of the trade with Circassia in contraband of war, and had added that it was not improbable that arrangements would be made before long for the opening of one or more additional ports.

Count Chreptowitch will, on his return to London, himself repeat to your Lordship the explanations which he has received from Prince Gortchakoff on this matter.

Prince Gortchakoff, when I last saw him, expressed to me his satisfaction at the declaration which had been made by Viscount Palmerston in the House of Commons relative to the restrictions imposed on the trade with Circassia.

I have, &c.

(Signed) WODEHOUSE.

No. 8.

Lord Wodehouse to the Earl of Clarendon.—(Received January 25.)

(Extract.) *St. Petersburgh, January 15, 1858.*

IN accordance with your Lordship's instructions contained in your despatch of the 22nd ultimo I spoke to Prince Gortchakoff yesterday respecting the notice issued by the Russian Government restricting foreign commerce with the eastern coast of the Black Sea to the three ports of Anapa, Soukoum Kalé, and Redout Kalé.

I said that Her Majesty's Government were ready to make allowance for the difficulties which might, under present circumstances, retard the full development of commerce with the eastern coast of the Black Sea, but that the regulations by which this commerce is restricted to three ports were so manifestly in contradiction with the stipulations of the Treaty of Paris that they could not be suffered to pass without observation.

I then recapitulated the XIth and XIIth Articles of the Treaty, and pointed out that the Russian Government has inverted the order established by those Articles, since by the Treaty the ports of the Black Sea have already been declared open to the mercantile marine of all nations, subject only to such regulations of health, customs, and police as might be deemed necessary, whereas the Russian notice declares that the ports on the eastern coast shall continue closed until quarantine and customs establishments have been organised.

Prince Gortchakoff replied that, as regards the argument which I had founded upon the words of the Treaty, he thought it might justly be answered that the ports mentioned in the XIth Article could, strictly speaking, only mean the ports which were open to trade before the late war; but at all events there must obviously be a limit, as it could never have been intended that vessels should be at liberty to enter every creek where they might find it convenient to land their cargoes, and in all countries the Government exercised the right of determining at what points trade should be carried on. The Russian Government were, however, by no means disposed to limit unnecessarily the number of ports open to trade; on the contrary, they wished to extend them as far as possible. They had already added another port to the two which were open before the war, and he had recently urged the Governor-General of the Caucasus to hasten the arrangements for still further augmenting the number; but the matter must be looked at from a practical point of view, and he thought that Her Majesty's Government, if they fairly considered all the circumstances, must acknowledge that the Russian Government could not have acted otherwise than they had done. In the first place, the insurgents were actually in possession of the harbours, such as Ghelengik and Touabes, with which the British merchants complained that they were not allowed to trade; and in the next, supposing even that there did not exist this obstacle, he was at a loss to conceive what legitimate commerce would be carried on at these ports with the mountaineers.

The fact was, as he had repeatedly told me, that the only important traffic with the Circassians was in slaves and munitions of war; the rest was merely a blind put forward by the merchants to cover their real object.

I said that the sentiments of Her Majesty's Government with regard to the Slave Trade were too well known for any one seriously to impute to them the desire to countenance the trade in Circassian slaves.

The opening of the ports to legitimate commerce need not prevent the enforcement of due precautions against the unlawful traffic in slaves and munitions of war; but it could never be argued with justice that because some persons might abuse the liberty of trade which is secured by the Treaty of Paris, the Russian Government might put aside the Treaty and prohibit trade altogether.

I was quite ready, I said, to admit that there must be some limit to the places open to trade; but on the other hand the limit must not be arbitrarily fixed, but must be determined with reference to the commerce which actually exists, or which may reasonably be expected to spring up. No one would contend that the Treaty of Paris granted indiscriminate liberty to foreign vessels to land cargoes in any creek on the coasts of the Black Sea, but on the other hand it would be absurd to suppose that ports where a considerable *bonâ fide* trade already exists, can be closed at will either by Russia or Turkey, since in that case the Treaty might at any moment be rendered entirely illusory.

As to the possibility of carrying on legitimate commerce with the Circassians, the fact, I said, was proved beyond a doubt by the transactions which had actually taken place, and by the quantity of goods consigned to British merchants, which are at this moment lying at the ports which have been closed. Besides, it was not, I said, to be supposed that British merchants would complain of losses, unless there was something to lose; nor would they display such a desire for the continuance of the trade, unless experience had proved that it was profitable: but their losses, so far from being imaginary, were enormous, and the Russian Government could not be ignorant of them.

Prince Gortchakoff said that it was not so easy as I imagined to take precautions against the illegal traffic with the Circassians in slaves and arms, as the Russian cruizers were now far too few in number to watch so extensive a line of coast. The Russian Government, he repeated, had every desire to facilitate legitimate commerce, but it was impossible to overcome the difficulties which he had pointed out, and he must maintain his opinion, that under the circumstances there was no just reason to complain of the measures which had been adopted.

I said that I willingly acknowledged the conciliatory manner in which he had met the representation which I had been instructed to make, but I must frankly tell him that I did not think his answer would be satisfactory to Her Majesty's Government, and they would, probably, feel it their duty to bring the matter before a Conference as affecting the interpretation of the Treaty of Paris.

Prince Gortchakoff merely observed in reply, "Our Plenipotentiary will be there, and will be ready to answer the arguments you may bring forward;" and the conversation thus terminated.

No. 9.

The Earl of Clarendon to Lord Wodehouse.

My Lord, *Foreign Office, January* 26, 1858.

I HAVE to convey to your Lordship the approval of Her Majesty's Government of the language which you held to Prince Gortchakoff, as reported in your despatch of the 15th instant, relative to the restrictions placed by Russia on trade with the coast of Circassia.

I am, &c.
(Signed) CLARENDON.

No. 10.

Consul-General Matthews to the Earl of Malmesbury.—(Received May .)

(Extract.) *Odessa, May* 6, 1858.

THE last number of the "Gazette d'Odessa" announces that the Lieutenant of the Emperor in the Caucasus (Prince Bariatinski) having organized the service "de la douane et de la police sanitaire" at Poti, on the Black Sea, that place will be open to foreign commerce from the $\frac{1st}{13th}$ instant.

No. 11.

Mr. Lowther to the Earl of Malmesbury.—(Received July 9.)

My Lord, *St. Petersburgh, June 22, 1858.*

I HAVE the honour to inclose herewith copies of an extract from the "Journal de St. Pétersbourg," notifying the opening to commerce of the port of St. Nicolas, in the Black Sea, in addition to those of Anapa, Soukoum, Redout, and Poti.

I have, &c.

(Signed) WILLIAM LOWTHER.

Inclosure in No. 11.

Extract from the "Journal de St. Pétersbourg" of June $\frac{10}{22}$, 1858.

LE Lieutenant de l'Empereur dans les Provinces du Caucase ayant organisé le service de la douane et de la police sanitaire dans le port de St. Nicolas, ce port est désormais ouvert au commerce, comme le sont déjà ceux d'Anapa, de Soukoum, de Rédout, et de Poti. Les bâtiments étrangers y seront admis aux mêmes conditions, à dater du 15 Juillet, vieux style.

(Translation.)

THE Viceroy of the Emperor in the Provinces of the Caucasus having organized the service of customs and sanitary police in the port of St. Nicholas, this port is for the future open to trade, as are already those of Anapa, of Soukoum, of Redout, and of Poti. Foreign vessels will be admitted upon the same conditions from and after the 15th of July, old style.

No. 12.

The Earl of Malmesbury to Baron Brunnow.

M. le Baron, *Foreign Office, July 10, 1858.*

I HAVE the honour to request that you will inform me whether any commercial enterprises which a British subject might be inclined to make with the Circassians would be liable to interruption from the Russian cruizers; and whether any merchant-ship or steamer freighted for one of the ports on the Black Sea in the occupation of the Circassians, provided that she carried no contraband of war, would be allowed free ingress into and egress from those waters.

I am, &c.

(Signed) MALMESBURY.

No. 13.

Baron Brunnow to the Earl of Malmesbury.—(Received July 12.)

M. le Comte, *Chesham House, le* $\frac{30 \text{ Juin}}{12 \text{ Juillet}}$, 1858.

EN réponse à la communication que votre Excellence m'a fait l'honneur de de m'adresser sous la date du 10 de ce mois, je m'empresse de lui offrir les informations ci-après, fondées sur le texte du Traité de Paris du $\frac{18}{30}$ Mars, 1856.

L'Article XII est conçu en ces termes: "Libre de toute entrave, le commerce dans les ports et dans les eaux de la Mer Noire ne sera assujetti qu'à des réglements de santé, de douane, de police, conçus dans un esprit favorable au développement des transactions commerciales.

"Pour donner aux intérêts commerciaux et maritimes de toutes les nations la sécurité désirable, la Russie et la Sublime Porte admettront des Consuls dans leurs ports situés sur le littoral de la Mer Noire, conformément aux principes du droit international."

Il résulte de ces stipulations que les deux Puissances riveraines, en déterminant de concert avec les autres Hautes Parties Contractantes les conditions aux-

quelles le commerce demeure assujetti dans la Mer Noire, ont jugé nécessaire de le placer sous la triple protection des règlements de santé, de douane, et de police, reconnus par tous les Etats comme une garantie indispensable de transactions commerciales, régulières et avouées par la loi internationale.

Conformément à ces principes, le Gouvernement Impérial, dès le rétablissement de la paix, s'est empressé de réorganiser le système sanitaire et douanier dans trois ports sur le littoral Asiatique, dès lors librement ouverts au commerce étranger. Cette disposition a été notifiée aussitôt à toutes les Puissances amies.

En conséquence, la marine marchande de toutes les nations a obtenu, dès l'origine, à Anapa, à Soukoum et à Redout-Kalé l'accès, la sécurité, et la protection qui lui sont dus, sous la foi des Traités.

Cependant, guidé par le désir de favoriser autant que possible le développement ultérieur des transactions commerciales, dans un esprit conforme aux prévisions de l'Article XII, le Gouvernement Impérial a avisé aux moyens de donner au commerce étranger de nouvelles facilités, en ajoutant aux ports déjà ouverts un quatrième, celui de Poti. J'ai eu l'honneur d'en prévenir officiellement votre Excellence.

Les soins de l'Administration Russe ont continué à être dirigés vers le même but, favorable au commerce. En dernier lieu, le service sanitaire et douanier a été réorganisé dans un cinquième port, celui de St. Nicolas.

La persévérance avec laquelle le Gouvernement Impérial s'est efforcé ainsi d'étendre graduellement la sphère des transactions commerciales sur un littoral en lui-même peu fertile en ressources, atteste, il faut bien le dire, le bon vouloir qui a présidé aux mesures prises dans le but de donner aux stipulations du Traité de Paris l'exécution la plus large dont les circonstances locales étaient susceptibles.

Ces circonstances, M. le Comte, ne vous sont pas inconnues. Vous savez que sous le régime Turc et avant l'époque où la Porte Ottomane transféra à la Russie son domaine sur le littoral oriental de la Mer Noire, les tribus indisciplinées sur cette côte se livraient à un trafic d'esclaves que l'humanité flétrit et qu'une législation Chrétienne devait proscrire.

Dans ce but, des mesures de surveillance et de répression ont été adoptées, le long des côtes, pour intercepter toute communication clandestine.

En frappant d'interdiction un trafic honteux, le Gouvernement Impérial remplit un devoir qu'il est de son honneur d'avouer et que toutes les Puissances amies doivent avoir unanimement à cœur de respecter.

Je constate cette vérité, persuadé comme je le suis qu'elle sera appréciée par votre Excellence dans un parfait esprit de justice et de concorde. Je dois y ajouter une autre réflexion, qui me paraît mériter d'être prise également en considération sérieuse.

Vous n'ignorez pas, M. le Comte, que, depuis les événements de la guerre, la tâche imposée au Gouvernement Impérial dans le but de répression dont je viens de signaler l'importance, a été rendue d'autant plus difficile qu'une partie des forts érigés en tems de paix a été dégarnie sur le littoral oriental. Il en résulte pour l'Administration la nécessité de redoubler de vigilance le long des côtes.

L'Article XIV détermine la force et le nombre des bâtiments légers que les deux Puissances riveraines se sont réservé d'entretenir pour le service de leurs côtes. Leur protection constitue un besoin permanent que le Traité de Paris a formellement prévu.

Il en est de même de l'intégrité de l'état de possession, constaté par l'Article XXX, dont je vais citer le texte :—

"Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Sultan maintiennent dans son intégrité l'état de leurs possessions en Asie, tel qu'il existait légalement avant la rupture."

La légalité de ce titre de possession repose sur les arrangements territoriaux conclus entre la Russie et la Porte. En vertu de ces transactions, une ligne de démarcation a été tirée entre les deux Etats limitrophes. Tous les pays situés au sud [et à l'ouest de cette ligne de démarcation vers les Pachalics de Kars et de Trébizonde, avec la majeure partie du Pachalic d'Akhalzik, sont restés à perpétuité sous la domination de la Sublime Porte ; tandis que ceux qui sont situés au nord et à l'est de la dite ligne, vers la Georgie, l'Imérétie et le Gouriel, aussi bien que tout le littoral de la Mer Noire depuis l'embouchure du Kouban jusqu'au port de St. Nicolas inclusivement, ont été placés à perpétuité sous la domination de l'Empire de Russie.

En qualité de second Plénipotentiaire au Congrès de Paris, j'ai eu l'honneur d'exposer, en Conférence, les faits diplomatiques qui ont mis la Russie en possession

de ces territoires, et leur situation actuelle. Le Protocole 3 de la séance du 1 Mars fait foi de cet exposé.

Il n'a soulevé aucune contestation de principe de la part du Grand Vizir, Aali Pacha. M. le Premier Plénipotentiaire Ottoman s'est borné à rappeler qu'il s'est élevé à cet égard des difficultés entre la Porte Ottomane et la Russie, et qu'il y aurait utilité à procéder à la vérification, et, s'il y avait lieu, à la rectification, des frontières entre les possessions de deux Empires en Asie.

La Cour Impériale de Russie a consenti à cette vérification, en établissant que cette révision devrait se faire sans préjudice pour les parties et de façon qu'elle ne puisse constituer une cession gratuite ou superflue de territoire.

C'est sur la base de ce principe que se fonde l'Article XXX, destiné à maintenir dans son intégrité l'état de possession des deux Empires en Asie, tel qu'il existait légalement avant la rupture.

J'ai cru devoir, M. le Comte, placer sous vos yeux l'ensemble de ces faits, parce qu'ils servent à résoudre les deux questions contenues dans la communication que vous m'avez fait l'honneur de m'adresser.

Pour plus de clarté je vais les reproduire :—

1, Une spéculation commerciale qu'un sujet Britannique serait disposé à faire avec les Circassiens, serait-elle sujette à être interrompue par les croiseurs Russes ?

2. Un bâtiment marchand ou bateau à vapeur, frêté pour l'un des ports de la Mer Noire occupés par les Circassiens,—supposé qu'il n'ait pas à bord un objet de contrebande de guerre,—obtiendrait-il libre accès à ces eaux et libre sortie ?

Il est de mon devoir, M. le Comte, de vous remercier d'abord de la preuve de confiance que vous voulez bien m'accorder en réclamant mon avis sur cette question, liée aux intérêts de commerce, que nous éprouvons tous deux un égal désir de prémunir contre toute chance défavorable.

Afin de l'écarter, je vais donner à ma réponse le caractère le plus franc et le plus positif. Dans cette intention, je constate—

1. Que toute entreprise commerciale qui n'aurait point pour destination l'un des cinq ports, Anapa, Soukoum, Rédout-Kalé, Poti, et Saint Nicolas, légalement ouverts au commerce étranger sur le littoral d'Asie, serait contraire aux règlements de santé, de douane, et de police, que le Gouvernement Impérial observe et maintient en vigueur.

2. Que tout bâtiment marchand ou bateau à vapeur se dirigeant vers un point de la côte orientale, où le service douanier et sanitaire n'est pas régulièrement organisé ni officiellement notifié, se mettrait en contravention aux lois établies ; et dès lors les croiseurs Russes, chargés de la surveillance des côtes, empêcheraient le dit bâtiment d'enfreindre les règlements de douane, de santé et de police auxquels le commerce dans la Mer Noire demeure légalement assujetti en vertu du Traité de Paris.

Je m'empresse, M. le Comte, de vous soumettre ces informations pour répondre au désir que vous avez bien voulu m'exprimer. J'en apprécie sincèrement le motif ; car il consiste à éloigner les difficultés et les pertes résultant d'une opération commerciale qui ne serait pas suffisamment éclairée d'avance sur les chances quelles aurait à courir et sur les empêchements qu'elle pourrait rencontrer. Je me suis fait un devoir de signaler les unes et les autres, en les motivant selon la connaissance que je possède de l'état de la législation qui régit la matière, sous le point de vue administratif et commercial.

Veuillez, &c.

(Signé) BRUNNOW.

(Translation.)

M. le Comte, *Chesham House*, $\frac{\text{June 30}}{\text{July 12}}$, 1858.

IN answer to the communication which your Excellency did me the honour to address to me on the 10th of this month, I lose no time in giving you the following information, founded upon the text of the Treaty of Paris of March $\frac{18}{30}$, 1856.

The XIIth Article is couched in these terms :—

"Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions.

"In order to afford to the commercial and maritime interests of every nation the security which is desired, Russia and the Sublime Porte will admit Consuls into their ports situated upon the coast of the Black Sea, in conformity with the principles of international law."

It results from these stipulations that the two riverain Powers, when fixing, in

concert with the other High Contracting Powers, the conditions to which commerce is to be subjected in the Black Sea, judged it necessary to place that commerce under the triple protection of the regulations of health, customs, and police, recognized by all States as an indispensable guarantee for commercial transactions which are regular and acknowledged by international law.

In conformity with these principles the Imperial Government, from the moment peace was re-established, lost no time in reorganizing the sanitary and Customs system in three ports on the Asiatic coast, thenceforth freely open to foreign commerce. This provision was immediately notified to all friendly Powers.

Consequently the mercantile marine of all nations obtained, from the beginning, at Anapa, Soukoum and Redout-Kalé, the access, security, and protection which are due to it under the faith of Treaties.

Guided, however, by the desire to favour as much as possible the further development of commercial transactions, in a spirit conformable with the previsions of Article XII, the Imperial Government has looked to the means of giving new facilities to foreign commerce by adding a fourth port, Poti, to those already opened. I have had the honour to inform your Excellency officially of this.

The efforts of the Russian Administration have continued to be directed towards the same object, which is favourable to commerce. Lately the sanitary and customs service has been reorganized in a fifth port, that of St. Nicholas.

The perseverance with which the Imperial Government has thus striven gradually to extend the sphere of commercial transactions on a coast in itself little fertile in resources, attests, it must be allowed, the goodwill which has pervaded the measures taken with the object of giving to the stipulations of the Treaty of Paris the widest application of which local circumstances were susceptible.

These circumstances, M. le Comte, are not unknown to you. You are aware that under the Turkish administration, and before the time when the Ottoman Porte transferred to Russia its territory on the eastern coast of the Black Sea, the undisciplined tribes on that coast were engaged in a Traffic of Slaves, which humanity brands, and which a Christian legislation ought to proscribe.

With this object measures of surveillance and repression have been adopted along the coasts, in order to cut off all clandestine communication.

By interdicting a shameful traffic, the Imperial Government fulfils a duty which it is their honour to avow, and which all friendly Powers must unanimously have at heart to respect.

I declare this truth, persuaded as I am that it will be appreciated by your Excellency in a perfect spirit of justice and concord. I must add one other reflection which appears to me equally to deserve being taken into serious consideration.

You are not unaware, M. le Comte, that since the events of the war, the task imposed upon the Imperial Government for that purpose of repression, the importance of which I have just pointed out, has been rendered so much the more difficult, because a portion of the forts erected in time of peace has been dismantled on the eastern coast. It results therefrom that the Administration is obliged to redouble its vigilance along the coasts.

The XIVth Article settles the force and the number of light vessels which the two riverain Powers have reserved to themselves to maintain for the service of their coasts. Their protection constitutes a permanent want which the Treaty of Paris has formally provided for.

The same is the case with the integrity of the state of possession declared by Article XXX, of which I will now quote the text:—

"His Majesty the Emperor of all the Russias and His Majesty the Sultan maintain in its integrity the state of their possessions in Asia, such as it legally existed before the rupture."

The legality of this title of possession rests on the territorial arrangements concluded between Russia and the Porte. By virtue of those transactions a line of demarkation has been drawn between the two bordering States. All the countries situated to the south and west of this line of demarkation, towards the Pachalics of Kars and Trezibond, with the greater part of the Pachalic of Akhalzik, remain in perpetuity under the dominion of the Sublime Porte; whilst those which are situated to the north and east of the said line towards Georgia, Imeretia, and Gouriel, as well as all the coast of the Black Sea from the mouth of the Kouban to the port of St. Nicholas inclusive, have been placed in perpetuity under the dominion of the Empire of Russia.

In the capacity of second Plenipotentiary at the Congress of Paris, I had the honour to state, in Conference, the diplomatic facts which have put Russia in possession of these territories, and their present situation. The third Protocol of the sitting of the 4th March records that statement.

It raised no contest of principle on the part of the Grand Vizier, Aali Pasha. The first Ottoman Plenipotentiary confined himself to reminding us that difficulties had arisen in this respect between the Ottoman Porte and Russia, and that it would be useful to proceed to the verification, and, if need be, to the rectification of the frontiers between the possessions of the two Empires in Asia.

The Imperial Court of Russia consented to such verification, by settling that this revision should be made without prejudice to the parties, and in such a manner as not to constitute a gratuitous or superfluous cession of territory.

It is on the basis of this principle that Article XXX is founded, being destined to maintain in its integrity the state of possession of the two Empires in Asia, such as it existed legally before the rupture.

I have thought it my duty, M. le Comte, to place before you the whole of these facts, because they serve to resolve the two questions contained in the communication which you have done me the honour to address to me.

For the sake of greater clearness I will repeat them:—

1. Would a commercial speculation which a British subject might be disposed to make with the Circassians be subject to interruption by the Russian cruizers?

2. Would a merchant-vessel or steamer freighted for one of the ports of the Black Sea occupied by the Circassians, supposing it had not on board any article of contraband of war, obtain free access to these waters, and free egress?

It is my duty, M. le Comte, in the first place, to thank you for the proof of confidence which you are good enough to give me by asking my opinion on this question, connected with the interests of commerce, which we both feel an equal desire to protect against any casualty.

In order to avoid this, I will give to my answer the most frank and positive character. With this intention I declare:—

1. That every enterprize which has not for its destination one of the five ports—Anapa, Soukoum, Redout Kalé, Poti, and St. Nicholas—legally opened to foreign commerce on the coast of Asia, would be contrary to the regulations of health, customs, and police, which the Imperial Government observe and maintain in force.

2. That every merchant-vessel or steamer proceeding towards a point of the eastern coast where the Customs and sanitary service is not regularly organized or officially notified, would place itself in contravention to the established laws; and from that moment the Russian cruizers charged with the surveillance of the coasts would prevent the said vessel from infringing the rules of customs, health, and police, to which commerce in the Black Sea is legally subjected, by virtue of the Treaty of Paris.

I lose no time, M. le Comte, in submitting to you this information, in order to comply with the desire which you have been good enough to express to me. I sincerely appreciate your motive, for it is to prevent the difficulties and losses resulting from a commercial operation which would not be sufficiently enlightened beforehand as to the hazards which it would have to run, and the impediments which it might encounter. I have considered it my duty to declare both the one and the other, giving reasons for the same according to the knowledge I possess of the state of the legislation which governs this matter, in an administrative and commercial point of view.

Accept, &c.
(Signed) BRUNNOW.

No. 14.

The Earl of Malmesbury to Baron Brunnow.

M. le Baron, *Foreign Office, October* 14, 1858.

I HAVE had under my careful consideration the note you have done me the honour to address to me, in reply to my communication of the 10th of July, in which I felt it my duty to inquire whether British vessels which might attempt to trade with the coast of Circassia, at points not in possession of the Russian

authorities, and not carrying contraband of war, would be interfered with by Russian cruizers.

In answering the interrogatory thus addressed to you, you have not limited your reply to a consideration of the question itself, but you have justified that reply by arguments, and by a statement of assumed facts, that render it incumbent on Her Majesty's Government to state clearly the views they entertain with respect to the claim you put forward on the part of the Russian Government to the sovereignty over the Circassian coast of the Black Sea.

You refer to the stipulation of the Treaty of Paris, that, free from every impediment, the navigation of the Black Sea should be subject only to regulations of quarantine, customs, and police, conceived in a spirit favourable to commercial transactions, and that in order to give full security to the maritime and commercial interests of all nations, Russia and the Sublime Porte should permit the residence of Consuls in the ports situate on the shore of the Black Sea.

You proceed to state that the Riverain Powers, by which you mean Turkey and Russia, have concerted the necessary regulations of police, quarantine, and customs, to which commerce in the Black Sea shall for the future be subjected, and you suggest the inference that a lawful trade can only be carried on at those ports where those regulations have now been or shall hereafter be established.

In making this statement, however, it appears to Her Majesty's Government that you assume that the right of Russia and Turkey to be considered exclusively as the only Riverain Powers of the Black Sea, is a right recognized and clear; but this assumption, which is not borne out by the facts, is one which they cannot allow to pass without observation.

Her Majesty's Government do not think it necessary to advert to the argument put forward by you, that a strict surveillance of the east coast of the Black Sea has been at times rendered necessary by a disgraceful traffic in slaves, which was carried on by the wild tribes on that coast.

The question I had the honour to address to you had reference to a legitimate and honourable trade which might be carried on by British merchants, and not to any traffic in slaves; and Her Majesty's Government do not conceive that the Russian Government claim a right to put an end to all trade whatever, in order by that means to stop a traffic which Her Majesty's Government, equally with the Russian Government, view with the utmost detestation.

But you further appear to justify the claim of Russia to the sovereignty of the east coast of the Black Sea, by the cession made to Russia by Turkey at the Treaty of Adrianople, and the stipulation of the XXXth Article of the Treaty of Paris, by which it is provided that His Majesty the Emperor of all the Russias and His Majesty the Sultan should maintain in its integrity the *status quo* as regards their Asiatic possessions which existed before the war.

Her Majesty's Government fully concede that by this stipulation whatever was really in the possession of the Sublime Porte at the time of the Treaty of Adrianople, was, by the provision of that Treaty, so far as Turkey was concerned, transferred to Russia, and that whatever right was thus acquired by Russia, was confirmed and renewed by the XXXth Article of the Treaty of Paris.

But Her Majesty's Government have never admitted, nor has it ever been shown, that Turkey was in possession of the whole of the Circassian coast of the Black Sea, or had any right whatever to claim that possession. On the contrary, Her Majesty's Government believe that the facts conclusively show that the independence of the tribes in possession of that coast had been at various times recognized by the Porte, and that the forts of Anapa and Soukoum Kalé had been erected by the permission of the Circassians for the protection of trade. While admitting, therefore, that, as between Russia and Turkey, the forts actually in possession of the Porte were lawfully conceded to Russia by the Treaty of Adrianople, Her Majesty's Government must take leave to observe that the mere statement in a Treaty that the Porte further gave up to Russia a territory of which the Turks were not in possession and to which they had no right, cannot be held, as regards third parties, to give to Russia any title whatever to a territory so conceded.

With reference, therefore, to the stipulation of the Treaty of Paris, to which I have already alluded, which provides for the establishment by Russia and Turkey, of sanitary, fiscal, or police regulations, the ports and waters mentioned in that Article are, as respects Great Britain, ports and waters recognized by her as belonging to Russia or Turkey. As regards Turkey, it may, as I have said, be conceded that

by the Treaty of Adrianople the Sublime Porte has made over to Russia whatever right that State claimed to possess to the coast of Circassia, and the title which Russia possessed as against Turkey at the breaking out of the late war, is, as between those two countries, preserved by Article XXX of the Treaty. But Great Britain was no party to the Treaty of Adrianople, and has never recognized the right of Russia to any part of the Circassian territory, and the intercourse. therefore, of British merchants is to be regulated only by the principles of the law of nations.

On this point Her Majesty's Government believe that the law of nations is clear and distinct; they are of opinion that if a Power occupies detached and fortified points on a coast or territory the natives of which are in a state of armed resistance and practical independence, that Power cannot (except in regard to such detached and fortified points) be entitled to establish and to enforce against third parties municipal regulations prescribing the manner in which, or the points at which, nations should alone be entitled to trade with the people of the country.

In thus expressing their views both of the facts and the law applicable to the existing state of things on the Circassian coast, Her Majesty's Government do not apprehend that any extensive commercial speculations are likely to be directed by British merchants to the territory in question, and they would regret the occurrence of anything which may give rise to a controversy between the two Governments, which they have no desire to initiate; but they deem it to be proper to give a frank statement of their views on this subject, in order that the Russian Government may not be misled into a belief that Her Majesty's Government acknowledge the right of Russia to the Circassian coast, or that Great Britain has given a tacit assent to the doctrine laid down in your note, that that claim is recognized and confirmed by the Treaty of Paris, and that Russia is entitled, as of right, to prevent the subjects of other Powers from carrying on a trade with those parts of that coast which are not in her possession, and where she has not succeeded in establishing her power.

I am, &c.
(Signed) MALMESBURY.

No. 15.

Baron Brunnow to the Earl of Malmesbury.—(Received October 22.)

M. le Comte, *Londres, le* $\frac{9}{21}$ *Octobre*, 1858.

J'AI l'honneur d'accuser réception de la note que votre Excellence a bien voulu m'adresser en date du 14 Octobre.

Plus je regrette l'obligation où je suis de relever quelques allégations à mon avis inexactes contenues dans cette communication, plus j'éprouve de satisfaction à vous rappeler, M. le Comte, le bon vouloir avec lequel vous avez accueilli ma note du $\frac{30 \text{ Juin}}{12 \text{ Juillet}}$ lorsque vous m'en avez entretenu la première fois après sa réception.

Vous m'avez fait l'honneur de me dire alors que vous la trouviez très claire et que vous jugeriez convenable de ne pas laisser ignorer aux parties intéressées les difficultés locales qu'elles avaient reconnu le besoin d'apprécier, avant d'entreprendre une spéculation chanceuse.

Si, dans l'intervalle de trois mois qui s'est écoulé depuis, vos appréciations s'étaient modifiées, les miennes, je dois l'attester, sont restées invariablement les mêmes. Je pourrais me borner à m'y référer aujourd'hui, s'il n'était pas de mon devoir de répondre à vos observations avec une franchise égale à la vôtre. Je vais m'acquitter de cette obligation dans un esprit de prévoyance entièrement conforme à l'intérêt véritable des bons rapports que je suis chargé d'entretenir avec le Gouvernement de Sa Majesté Britannique.

Je crois d'abord avoir établi une vérité, sans équivoque, lorsque j'ai considéré la Russie et la Sublime Porte comme les seules Puissances riveraines de la Mer Noire. Si ce fait avait besoin de preuve, vous la trouveriez dans les actes du Congrès de Paris, dont le Traité du $\frac{18}{30}$ Mars, 1856, a été le résultat.

Cette transaction, qui donne au droit public de l'Europe une nouvelle sanction, et à la paix générale une garantie formelle, a déterminé l'état politique, maritime, territorial, et commercial des contrées situées sur les bords de la Mer Noire, en Europe et en Asie.

En prenant lecture des stipulations de ce Traité, ainsi que des Protocoles rendant compte des délibérations qui l'ont précédé, vous y trouverez la preuve

certaine qu'il y est fait uniquement mention des deux Puissances riveraines la Russie et la Turquie. Dans le droit public de l'Europe une troisième n'existe point.

Me référant, comme je viens de le faire, aux délibérations dont les Protocoles de Paris font foi, je me permets de signaler particulièrement à votre attention celle du 1 Mars. Elle a eu notamment pour objet de soumettre à un examen spécial l'état des territoires situés à l'est de la Mer Noire. Cet examen a été institué à la demande des Puissances alliées comme seconde condition particulière jointe aux bases préliminaires de la paix.

J'ai eu l'honneur d'exposer, en Conférence, les faits diplomatiques qui ont mis la Russie en possession de ces territoires et leur situation actuelle.

Messieurs les Plénipotentiaires de la Grande Bretagne, dont j'invoque ici le témoignage avec une juste confiance dans la rectitude de leur jugement et dans la fidélité de leurs souvenirs, ont examiné, discuté et vérifié dans leurs détails, les faits et les actes qui ont formé l'objet de cette délibération. Ils peuvent avoir gardé, je ne le conteste point, les opinions qu'ils étaient appelés à énoncer, et je ne prétends pas les avoir effacées de leur esprit. Mais ils ne désavoueront point la justice que je crois devoir leur rendre en disant qu'ils n'ont point revoqué en doute la bonne foi avec laquelle la Turquie a fait à la Russie cession d'un territoire que la Sublime Porte considérait comme fesant partie intégrante de son domaine jusqu'à l'époque où le Traité d'Andrinople a été conclu.

Le Grand Vizir, Premier Plénipotentiaire Ottoman, était là pour attester et au besoin pour revendiquer le droit de souveraineté en vertu duquel cette cession territoriale a été accomplie. Ce droit n'a pas été contesté. Dans les Actes du Congrès vous ne trouverez pas la trace d'une assertion quelconque qui eût attaqué ou invalidé ce droit. Vous n'y découvrirez pas non plus la moindre preuve de l'allégation contenue dans la note du 14 Octobre, relativement au fait présumé que la Porte eût admis l'indépendance des tribus de la côte de Circassie, tandis que par un Traité formel elle se reconnaissait le droit de placer cette contrée à perpétuité sous la domination de la Russie.

Veuillez remarquer ici une circonstance que la note du 14 Octobre paraît avoir perdu de vue lorsqu'elle affirme que la simple mention faite par Traité de la cession d'un territoire que les Turcs ne possédaient pas de droit, ne pouvait pas aux yeux de Puissances tierces conférer à la Russie un titre sur un territoire ainsi concédé. Une lecture attentive de l'Article IV du Traité d'Andrinople, lequel sanctionne cette cession depuis l'embouchure du Kouban jusqu'au port de St. Nicolas, vous prouvera que c'est en conséquence de cet arrangement territorial que la Sublime Porte est rentrée en possession d'une partie du Pachalic d'Akhaltzik, de ceux de Kars, de Bayazed et d'Erzeroum, ainsi que de tous les endroits occupés alors par les troupes Russes! Cette considération est assurément faite pour avertir une Puissance tierce, bien qu'elle n'ait pas participé au Traité d'Andrinople, qu'elle servirait mal les intérêts de la Turquie en cherchant à affaiblir la validité d'un titre au moyen duquel la Sublime Porte a obtenu la restitution d'une vaste partie de son domaine Asiatique.

Pour ne rien omettre de ce qui tient à une juste appréciation des faits accomplis, il y a de cela trente ans, veuillez noter aussi que l'Article IX déclare que cette même cession a été considérée par les deux Hautes Parties Contractantes comme un à compte que la Cour de Russie a consenti à recevoir, en déduction de l'indemnité de guerre. Il m'est permis d'espérer que ces considérations, en jetant une nouvelle lumière sur la gravité des intérêts liés aux transactions dont je viens de retracer l'historique, serviront à vous faire envisager, sous leur vrai jour, l'importance que la Turquie doit attacher à ne pas voir revoquer en question la légalité de ses actes.

Animé du constant désir de manifester en toute occasion son respect pour l'indépendance et la dignité de la Sublime Porte, le Gouvernement de Sa Majesté Britannique ne saurait vouloir lui faire le tort ni porter à ses intérêts le préjudice de dire qu'elle eût cédé un territoire qu'elle ne possédait pas de droit.

Telle n'a pas été la pensée des Représentants des Grandes Puissances assemblés en Congrès à Paris. Après mure délibération et tenant sérieusement compte des faits diplomatiques soumis à leur examen, ils sont tombés d'accord sur la rédaction de l'Article XXX, en vertu duquel Sa Majesté l'Empereur de toutes les Russies et Sa Majesté le Sultan maintiennent, dans son intégrité, l'état de leurs possessions en Asie, tel qu'il existait légalement avant la rupture.

Arrivés à cette conclusion, MM. les Plénipotentiaires ont jugé utile d'y joindre une seule précaution pour prévenir toute contestation locale. A cet effet, il a été

résolu de vérifier, et s'il y avait lieu de rectifier, le tracé des frontières entre les deux Empires en Asie. Cette proposition émise par le Grand Vizir et appuyée par M. le Premier Plénipotentiaire de France, a été adoptée et mise à exécution du plein et entier assentiment de la Cour Impériale de Russie. Arrêtée en principe dans la séance du 1 Mars, cette détermination a formé le résultat final qui a servi de conclusion à l'examen spécial de l'état des territoires situés à l'est de la Mer Noire, comme seconde condition particulière jointe aux bases préliminaires de la paix.

La vérification des frontières, arrêtée par le Congrès, a eu lieu dans un parfait accord entre les Commissaires respectifs. Elle ne s'est point étendue au littoral. Là, il n'y avait rien à vérifier ni à rectifier. Le Congrès n'en a point admis la nécessité. S'il l'avait reconnue, une stipulation expresse y aurait pourvu. Tel n'a pas été le cas. Le Traité du $\frac{18}{30}$ Mars, résultat final des délibérations auxquelles je me réfère, a été revêtu de la sanction de toutes les hautes Parties Contractantes. Aucune d'elles n'y a apporté la moindre réserve.

Après avoir constaté les faits que je viens de résumer dans leur ensemble, et rectifié ainsi les appréciations contenues dans la note du 14 Octobre, je vais passer à l'examen de l'objet pratique, sur lequel votre Excellence a bien voulu réclamer des informations par sa note du 10 Juillet.

Vous m'avez fait l'honneur, M. le Comte, de m'exprimer le désir de vous renseigner sur les empêchements que pourrait rencontrer de la part de la croisière Russe une opération commerciale dirigée vers la côte de Circassie. Je me suis empressé de satisfaire à cette demande, afin de prémunir les intérêts privés, engagés dans une pareille enterprise, contre les chances qu'elle pourrait courir si elle contrevenait aux règlements auxquels le commerce demeure assujetti dans la Mer Noire, conformément aux stipulations de l'Article XII du Traité de Paris.

Je vous ai indiqué les cinq ports librement ouverts à la marine marchande sur le littoral oriental.

Enfin, pour ne rien vous laisser ignorer de ce qui pouvait vous donner une connaissance exacte de la situation locale, je vous ai signalé les mesures de surveillance et de répression adoptées par le Gouvernement Impérial pour mettre un frein au trafic des esclaves, auquel se livrent les tribus indisciplinées qui avoisinent une partie de ce littoral.

Vous m'annoncez, M. le Comte, que le Gouvernement de Sa Majesté Britannique n'a pas jugé nécessaire de relever cette disposition, en ce qu'elle concerne un trafic que vous frappez de réprobation, à l'égal du Gouvernement Impérial. J'apprécie trop bien les intentions du Cabinet Britannique pour ne pas être persuadé que, sur ce point, il ne pouvait pas y avoir de divergence d'opinion entre nos deux Gouvernements. Vous ajoutez toutefois que vous ne comprendriez pas que le Gouvernement Impérial, en réprimant un trafic odieux, voulût, par ce moyen, mettre obstacle à un commerce légitime et honorable. Permettez-moi de vous faire observer que lorsque, sur un littoral assurément peu fertile en ressources matérielles, cinq ports sont déjà accessibles à la marine marchande étrangère, l'activité d'un commerce régulier doit y trouver une assez vaste carrière pour satisfaire suffisamment à ses besoins. Dès-lors je ne pense pas qu'il soit juste de supposer à la Russie l'intention d'entraver dans ces parages la liberté du mouvement commercial.

Loin de là, le Gouvernement Impérial a avisé à tous les moyens en son pouvoir, et il continue à les rechercher, pour donner au commerce les développements dont il est susceptible, dans un esprit conforme aux stipulations du Traité de Paris. Mais permettez-moi de placer ici une observation qui mérite d'être sainement appréciée.

Aucun Etat régulièrement constitué ne peut ni ne doit perdre de vue les précautions légitimes rendues nécessaires par la conservation de sa propre sureté. Elle est pour chaque Etat la première des lois. Le Congrès de Paris a reconnu cette haute vérité lorsqu'il a senti le besoin d'imposer au mouvement commercial dans la Mer Noire la triple condition de se conformer aux réglements de santé, de douane, et de police.

Là, où ils ne sont pas en vigueur, les transactions commerciales, sans sécurité, sans garantie, et sans contrôle, cessent d'être régulières. Elles sortent de la sphère de la vie civilisée, pour rentrer dans l'état de la vie sauvage. Telle n'est pas la situation que le Traité de Paris a faite, ni qu'il a entendu légitimer dans la Mer Noire. Je ne trouve dans le texte de ce Traité aucune clause, aucune réserve qui autorisât l'une ou l'autre des hautes Puissances Contractantes à

considérer une partie quelconque du littoral d'Asie comme exemptée et comme affranchie de l'application du service de santé, de douane, et de police, auquel le commerce régulier demeure indistinctement assujetti, selon les principes unanimement reconnus et statués par le Congrès.

La loi des nations que vous citez, M. le Comte, enseigne avant tout le respect des Traités. J'en appelle à celui du $\frac{18}{30}$ Mars, que j'ai eu l'honneur de signer conjointement avec MM. les Plénipotentiaires de la Grande Bretagne.

Votre Excellence a jugé nécessaire de constater que le Gouvernement de Sa Majesté Britannique n'a point participé à la signature du Traité d'Andrinople. J'en conviens. Mais je me permets de rappeler, à mon tour, qu'il a concouru loyalement et sans réserve à l'œuvre de la pacification générale accomplie à Paris.

Je m'arrête à cette conclusion. Comme vous, M. le Comte, je regretterais qu'il survînt un incident qui pût donner lieu à controverse entre nos deux Cabinets. J'apprécie et j'accepte de votre part l'assurance donnée que le Gouvernement de Sa Majesté Britannique n'a point le désir d'en prendre l'initiative. De mon côté, je crois me conformer aux intentions du Cabinet Impérial en m'abstenant de la provoquer.

Je me borne à placer sous vos yeux des éclaircissements propres à vous mettre à même de former sur l'état de la question un jugement libre de toute préoccupation. A regret, j'ai lieu d'en remarquer une à la fin de votre note du 14 Octobre. Vous tenez à ne point me laisser inférer que vous ayez donné un assentiment tacite aux principes établis par ma note du $\frac{30 \text{ Juin.}}{12 \text{ Juillet.}}$

Cette réflexion, M. le Comte, me suggère une réponse simple, nette, et ferme.

L'intervalle de trois mois qui s'est écoulé jusqu'à la réception de votre note du 14 Octobre ne m'a amené à former aucune induction contre laquelle vous eussiez lieu de vous prémunir.

En effet, dans ma conviction, le droit que le Gouvernement Impérial possède sur un territoire qui lui a été cédé par la Turquie, en vertu d'un Traité formel, n'a pas besoin d'adhésion tacite. Je n'en demande et je n'en attends aucune. Je maintiens le droit et je le constate, comme mon devoir me l'ordonne.

En ce qui est de l'interprétation du Traité de Paris, elle appartient à toutes les Hautes Parties Contractantes qui ont concouru, de concert, à cette transaction Européenne.

Appelé à prendre part aux délibérations qui ont précédé et amené la conclusion de la paix, je vous ai franchement exposé le sens que j'attache, pour ma part, aux stipulations d'un Traité dont je suis l'un des signataires; réservant, comme je le dois, aux décisions de mon Cabinet de rectifier mon jugement s'il est en défaut. Jusque là, je persiste dans une opinion que je tiens pour juste et pour correcte, bien que je regrette qu'elle soit en désaccord avec la vôtre.

Finalement, en ce qui est des opérations commerciales qui seraient dirigées sur un point quelconque du littoral, en dehors des ports légalement ouverts à la marine marchande étrangère, j'ai satisfait à ma conscience en vous avertissant du préjudice qui pourrait résulter d'une semblable tentative pour les parties intéressées. Il leur reste à juger si elles veulent prendre mon avertissement en due considération, ou bien courir le risque de ne pas en tenir compte. Les pertes qui en résulteraient et les réclamations qui pourraient en devenir la conséquence ne retomberaient assurément pas sur ma responsabilité; car j'ai la conviction d'avoir employé, à tems, tous les efforts qui dépendaient de moi afin de les prévenir.

J'ai, &c.

(Signé) BRUNNOW.

(Translation.)

M. le Comte, *London, October* $\frac{9}{21}$, 1858.

I HAVE the honour to acknowledge the receipt of the note which your Excellency was good enough to address to me on the 14th October.

The more I regret the necessity I am under of discussing certain allegations, in my opinion inaccurate, which are contained in this communication, the greater satisfaction do I feel in reminding you, M. le Comte, of the friendly feeling you manifested with respect to my note of the $\frac{30\text{th June}}{12\text{th July}}$, the first time you spoke to me of it after its receipt.

You, then, did me the honour to tell me that you found it very clear, and that you would think proper not to leave the interested parties in ignorance of the local difficulties which they felt the necessity of appreciating before they should engage in a hazardous enterprize.

If, in the interval of three months which has since elapsed, your opinions have been modified, mine, I must confess, have remained invariably the same. I might confine myself now to referring to them, if it were not my duty to answer your observations with a frankness equal to your own. I will proceed to discharge this obligation in a spirit of forethought entirely conformable to the true interest of the good relations which I am instructed to maintain with Her Britannic Majesty's Government.

In the first place, I believe I have established an unequivocal fact, by considering Russia and the Sublime Porte to be the only riverain Powers of the Black Sea. If this fact needed proof, such is to be found in the acts of the Congress of Paris, of which the Treaty of the $\frac{18}{30}$th of March was the result.

This Act, which gives a new sanction to the public law of Europe, and a formal guarantee to the general peace, has fixed the political, maritime, territorial, and commercial state of the regions situated on the coasts of the Black Sea, in Europe and in Asia.

If you will read the stipulations of this Treaty, as well as the Protocols giving an account of the deliberations which preceded it, you will be entirely convinced that they make mention of only the two Suzerain Powers, Russia and Turkey. In the public laws of Europe a third does not exist.

Referring, as I have just done, to the deliberations which are recorded in the Protocols of Paris, I venture particularly to draw your attention to that of the 1st of March. Its particular object was to submit to a special examination the state of the territories situated on the east of the Black Sea. That examination was instituted at the request of the allied Powers as a second particular condition added to the preliminary bases of the peace.

I had the honour to state, in Conference, the diplomatic facts which placed Russia in possession of those territories, and their present situation.

The Plenipotentiaries of Great Britain, whose testimony I here invoke, with a just confidence in the rectitude of their judgment and the correctness of their recollections, examined, discussed, and verified in their details the facts and the acts which formed the object of that deliberation. I do not deny that they may have retained the opinions which they were called upon to express, and I do not pretend to have effaced those opinions from their minds. But they will not refuse to recognize the justice which I must do them when I say that they did not question the good faith of Turkey in ceding to Russia a territory which the Sublime Porte considered as forming an integral part of her dominions, up to the time when the Treaty of Adrianople was concluded.

The Grand Vizier, first Ottoman Plenipotentiary, was there to attest, and, if necessary, to claim the right of sovereignty by virtue of which this territorial cession was effected. This right was not contested. In the Acts of the Congress you will not find a trace of any assertion attacking or invalidating this right. Neither will you find in them the least proof of the allegation contained in the note of the 14th October, respecting the presumed fact that the Porte had admitted the independence of the tribes of the Circassian coast, whilst by a formal Treaty she acknowledged her right of placing that country in perpetuity under the dominion of Russia.

Be good enough now to remark one circumstance which the note of the 14th of October appears to have lost sight of when it alleges that the simple mention made by Treaty of the cession of a territory which the Turks did not by right possess, could not, in the view of a third Power, confer upon Russia a title to a territory thus ceded. An attentive perusal of Article IV of the Treaty of Adrianople, which sanctions this cession from the mouth of the Kouban to the port of St. Nicholas, will prove to you that it is in consequence of this territorial arrangement that the Sublime Porte re-entered into possession of a portion of the Pashalic of Akhaltzik, of those of Kars, Bayazed, and Erzeroum, as well as of all the places then occupied by the Russian troops! The object of this consideration is assuredly to warn a third Power, although it did not participate in the Treaty of Adrianople, that it would ill serve the interests of Turkey to seek to weaken the validity of a title by means of which the Sublime Porte obtained the restitution of a vast portion of its Asiatic dominions.

In order not to omit anything tending to a just appreciation of facts which happened thirty years ago, be good enough also to observe that Article IX declares that this same cession was considered by the two high Contracting Parties as a

payment on account, which the Court of Russia consented to receive, in reduction of the war indemnity. I venture to hope that these considerations, by throwing a new light on the gravity of the interests connected with the transactions, the history of which I have just traced, will serve to make you regard in its true aspect the importance which Turkey must feel of not seeing the legality of her acts called in question.

Animated with the constant desire of manifesting on every occasion their respect for the independence and dignity of the Sublime Porte, Her Britannic Majesty's Government could not wish to do it such a wrong, nor to prejudice its interests so far, as to say that it would have ceded a territory which it did not possess by right.

Such was not the thought of the Representatives of the Great Powers assembled in Congress at Paris. After mature deliberation, and after taking into serious account the diplomatic facts submitted to their examination, they came to an agreement as to the terms of Article XXX, by virtue of which His Majesty the Emperor of all the Russias and His Majesty the Sultan maintain, in its integrity, the state of their possessions in Asia, such as it legally existed before the rupture.

Having arrived at this conclusion, the Plenipotentiaries thought it right to add one single precaution in order to prevent any local dispute. With this object it was resolved to verify, and if necessary to rectify, the line of frontier between the two Empires in Asia. This proposal, brought forward by the Grand Vizier and supported by the first Plenipotentiary of France, was adopted and carried into execution with the full and entire consent of the Imperial Court of Russia. This determination, fixed in principle at the sitting of the 1st March, formed the final result, which brought to a conclusion the special examination of the state of the territories situated to the east of the Black Sea, being the second particular condition added to the preliminary bases of the peace.

The verification of the frontiers ordered by the Congress was carried on by the respective Commissioners in perfect harmony. It was not extended to the coast. There, there was nothing either to verify or to rectify. The Congress did not see any necessity for such extension. If it had, an express stipulation would have provided for it. Such was not the case. The Treaty of the $\frac{18}{30}$th March, the final result of the deliberations to which I am referring, was clothed with the sanction of the high Contracting Parties. None of them attached to it the slightest reservation.

After having established the facts which I have been recapitulating, as a whole, and having thus rectified the appreciations contained in the note of the 14th October, I pass to the examination of the practical object respecting which your Excellency was good enough to ask for information in your note of the 10th July.

You did me the honour, M. le Comte, to express to me the desire of learning what impediments a commercial operation directed towards the Circassian coast might meet with on the part of Russian cruizers. I lost no time in complying with this request, in order to guard the private interests engaged in such an enterprize from the risks which such an operation might run if it transgressed the regulations to which commerce is subjected in the Black Sea, in conformity with the stipulations of Article XII of the Treaty of Paris.

I mentioned to you the five ports freely opened to the mercantile marine on the east coast.

Finally, in order not to leave you in ignorance of anything which might make you accurately acquainted with the local situation, I pointed out to you the measures of surveillance and repression adopted by the Imperial Government to put a check upon the traffic in slaves carried on by the undisciplined tribes who live near a portion of this coast.

You inform me, M. le Comte, that Her Britannic Majesty's Government have not considered it necessary to discuss this arrangement, as far as it concerns a traffic which you reprobate equally with the Imperial Government. I too well appreciate the intentions of the British Cabinet not to be persuaded that on this point there could not be any difference of opinion between our two Governments. You add, however, that you do not understand that the Imperial Government, whilst repressing an odious traffic, wished by this means to throw an obstacle in the way of a legitimate and honourable commerce. Permit me to remark that when upon a coast, certainly little fertile in material resources, five ports are already accessible to the foreign mercantile marine, the operations of regular commerce may find in those

ports a scope sufficiently ample to meet their requirements. Therefore I do not think it is just to impute to Russia the intention of impeding in these waters the freedom of commercial action.

Far from that, the Imperial Government has looked to all the means in its power, and still continues its research, in order to give to commerce the development of which it is susceptible in a spirit conformable to the stipulations of the Treaty of Paris. But permit me here to make an observation which deserves to be properly appreciated.

No State regularly constituted can or ought to lose sight of the legitimate precautions which are rendered necessary for the preservation of its own safety. This is the primary law of every State. The Congress of Paris recognized this great truth, when it felt the necessity of imposing on commercial operations in the Black Sea the threefold condition of conforming to the regulations of health, customs, and police.

Where such regulations are not in force, commercial transactions, being without security, without guarantee, and without control, cease to be regular. They quit the sphere of civilized life, to return to the state of savage life. Such is not the state of things established by the Treaty of Paris, nor what it intended to legalize in the Black Sea. I do not find in the text of that Treaty any clause, any reservation authorizing one or other of the High Contracting Parties to consider any portion of the coast of Asia as exempt and freed from the application of the service of health, customs, and police, to which regular commerce is subjected without distinction, according to the principles unanimously recognized and fixed by the Congress.

The law of nations, to which you refer, M. le Comte, teaches, above all things, respect for Treaties. I appeal to that of the $\frac{13}{30}$th March, which I had the honour to sign conjointly with the Plenipotentiaries of Great Britain.

Your Excellency has considered it necessary to state that Her Britannic Majesty's Government was not a party to the Treaty of Adrianople. I admit it. But I venture to remind you, in my turn, that the British Government co-operated loyally and without reserve in the work of general pacification accomplished in Paris.

I stop at this conclusion. Like you, M. le Comte, I should regret if any incident should occur to give rise to a controversy between our two Cabinets. I appreciate and accept the assurance given by you, that Her Britannic Majesty's Government has no desire to initiate such a controversy. On my side, I think I am acting in conformity with the intentions of the Imperial Cabinet by abstaining from provoking it.

I confine myself to laying before you explanations calculated to enable you to form an opinion upon the state of the question, free from all prepossession. I regret that I do remark one instance of such a feeling at the end of your note of the 14th October. You make a point of not allowing me to infer that you gave a tacit assent to the principles established by my note of the $\frac{\text{June 30th.}}{\text{July 12th.}}$

This reflection, M. le Comte, suggests to me a simple, clear, and decided answer.

The interval of three months which elapsed before the receipt of your note of the 14th October has not led me to form any inference against which you might have occasion to protect yourself.

In fact, according to my conviction, the right which the Imperial Government possesses over a territory which was ceded to them by Turkey, by virtue of a formal Treaty, has no need of a tacit adhesion. I neither demand, nor do I expect one. I maintain the right, and I declare it, as my duty commands me to do.

With regard to the interpretation of the Treaty of Paris, it belongs to all the High Contracting Parties who co-operated in this European transaction.

Called to take part in the deliberations which preceded and led to the conclusion of peace, I have frankly explained to you the meaning which I, for my part, attach to the stipulations of a Treaty of which I was one of the signing parties; reserving, as I ought, to the decision of my Cabinet the rectification of my judgment, if it is in fault. Until then, I shall persist in an opinion which I hold to be just and correct, much as I regret that it is not in accordance with yours.

Finally, with regard to commercial operations which may be directed to any point of the coast other than the ports legally opened to the foreign mercantile marine, I have satisfied my conscience by warning you of the injury which such an attempt might occasion to the parties interested. It remains for them to judge

whether they will give due consideration to my warning, or run the risk of not regarding it. The losses which would result therefrom, and the claims which might be the consequence, could certainly not be laid to my responsibility; being satisfied that I have employed in due time every effort in my power to prevent them.

I have, &c.
(Signed) BRUNNOW.

No. 16.

The Earl of Malmesbury to Baron Brunnow.

M. le Baron, *Foreign Office, October* 29, 1858.

I HAVE had the honour to receive your letter of the 21st instant, in reply to the observations I made in mine of the 14th instant, on the assertion in your previous letter of the 12th of July, of the right of Russia to sovereignty over Circassia.

It was not my intention to provoke a controversy on this question, neither do I propose to prolong one. My object was simply to record the dissent of Her Majesty's Government from the doctrine that a cession made by one Power to another of a territory over which the ceding Power had neither sovereign rights nor actual occupancy was binding on the people who possessed the territory so ceded, and as a matter of course to be recognized by a third Power.

Her Majesty's Government continue to entertain that view of the question as bearing on Circassia; and though not disputing the obligations imposed by the Treaty of Adrianople on the Porte to respect the sovereignty of Russia over that country, Her Majesty's Government must maintain that that Treaty imposes no similar obligation upon the British Government, and cannot be pleaded by Russia as conferring upon her a legal title to the territory in question, which other Powers are bound to acknowledge and to respect.

I cannot, however, but observe to you that the doctrine which you maintain, namely, that the Treaty cession by Turkey to Russia of the sovereignty over Circassia debars other Powers from calling that sovereignty into question, would seem to preclude the Russian Government from calling into question the right of the Porte to sovereignty over Montenegro, inasmuch as that country was ceded to the Porte by the Republic of Venice in the Treaty of Carlowitz of 1699, and again in the Treaty of Passarowitz of 1718.

These remarks and those in my former note would not have occurred had you not entered upon this field instead of confining yourself to a simple reply to a question put by a British merchant through me as to the facilities or impediments he would meet if trading on the coast of Circassia.

Her Majesty's Government have no reason to apprehend that any acts will take place on the part of British merchantmen which would produce complications between England and Russia, with whom Her Majesty's Government are most anxious to maintain peace and amity. Furthermore, it is no part of their policy to interfere with the military operations of Russia in the Caucusus, although it is their duty to protest against the advocacy of any principle which may appear to be at variance with the spirit of the Convention of Paris.

As you have more than once observed upon the delay in my reply to your note of the 12th of July, I beg to state that it was occasioned by my absence from England when in attendance upon Her Majesty at Berlin, and, during the subsequent holidays, by that of the Law Officers of the Crown, whom it was my duty to consult on the subject.

I am, &c,
(Signed) MALMESBURY.

No. 17.

Baron Brunnow to the Earl of Malmesbury.—(Received October 30.)

M. le Comte, *Londres, le* $\frac{18}{30}$ *Octobre,* 1858.

EN réponse à la lettre que votre Excellence m'a fait l'honneur de m'adresser en date du 29 Octobre, je me borne à lui annoncer qu'il est de mon devoir de m'en

tenir aux principes dont mes communications précédentes du $\frac{30\ \text{Juin}}{12\ \text{Juillet}}$ et du $\frac{9}{21}$ Octobre renferment l'exposé. En m'y référant, M. le Comte, je partage avec vous le désir de ne point prolonger l'examen d'une matière sur laquelle nous différons d'avis. La considérant comme épuisée, je croirais m'éloigner de ce but si je relevais l'allusion faite à la situation du Monténégro, à mes yeux étrangère à l'objet en question. Je m'abstiens donc de remonter au temps de la République de Venise et du Traité de Carlowitz de l'année 1699.

En consultant mes souvenirs d'une date plus récente, ma mémoire me suggérerait plus d'un exemple de territoires acquis à l'Angleterre, sans qu'elle eût demandé ni attendu la reconnaissance d'une Puissance tierce pour maintenir la validité de ses droits.

De même que je ne me sens nullement appelé à interroger les titres sur lesquels se fondent ces acquisitions, de même aussi je crois me renfermer dans la stricte limite de mes devoirs en insistant sur l'inviolabilité des droits en vertu desquels l'Empereur mon Maître a acquis un territoire placé sous sa domination par un Traité qui appartient à l'histoire contemporaine.

Dans leurs relations de bonne intelligence, les Gouvernements tiennent à honneur de consolider le repos et de mettre d'accord les intérêts des nations amies, par un échange mutuel d'égards et de bons procédés.

C'est sur cette base que repose le respect qu'ils portent à la sécurité de leurs Etats, sans réveiller le passé, sans inquiéter le présent, et sans compromettre l'avenir.

Pénétré de cette conviction, j'apprécie sincèrement l'intention dont vous êtes animé, M. le Comte, lorsque vous me faites l'honneur de m'annoncer que le Gouvernement de Sa Majesté Britannique n'a aucune raison de croire qu'il survienne de la part de négociants Anglais un acte qui fût de nature à compliquer entre la Grande Bretagne et la Russie des rapports que le Gouvernement de Sa Majesté Britannique désire vivement maintenir sur un pied d'amitié.

Je me ferai un devoir de transmettre au Cabinet Impérial une assurance, j'en suis certain, entièrement conforme à ses intentions et à ses vues.

Pour ma part, je ne puis qu'ajouter que si les explications échangées entre nous ont pour résultat de prémunir des intérêts privés liés au commerce, contre les risques et les pertes que je tenais à cœur de prévenir, je n'aurais pas à regretter d'avoir fait preuve en cette occasion d'une sollicitude et d'une franchise qui m'étaient commandées par les devoirs du poste que l'Empereur mon Maître a daigné me confier.

J'ai, &c.
(Signé) BRUNNOW.

(Translation.)

M. le Comte, *London, October* $\frac{18}{30}$, 1858.

IN answer to the letter which your Excellency did me the honour to address to me on the 29th October, I confine myself to declaring to you that it is my duty to adhere to the principles which are set forth in my preceding communications of $\frac{\text{June 30}}{\text{July 12}}$ and of October $\frac{9}{21}$. In referring to them, M. le Comte, I share in your desire not to prolong the examination of a question upon which we differ in opinion. Considering it as exhausted, I think I should be departing from this purpose if I were to discuss the allusion made to the situation of Montenegro, which in my opinion is foreign to the object in question. I abstain, therefore, from going back to the time of the Republic of Venice, and of the Treaty of Carlowitz of the year 1699.

If I were to consult my recollections of a more recent date, my memory would suggest to me more than one example of territories acquired by England, without having requested or waited for the recognition of a third Power to maintain the validity of her rights.

In the same way that I do not feel myself at all called upon to question the titles on which these acquisitions are founded, so also do I believe that I confine myself within the strict limit of my duties by insisting on the inviolability of the rights by virtue of which the Emperor my Master has acquired a territory placed under his dominion by a Treaty which belongs to contemporary history.

When a friendly understanding exists between Governments, they make it a point of honour to consolidate tranquillity and to harmonize the interests of friendly nations, by a mutual interchange of deference and friendly conduct.

On this basis rests the respect which they have for the security of their States,

without reviving the past, without disturbing the present, and without compromising the future.

Penetrated with this conviction, I sincerely appreciate the intention which induced you, M. le Comte, to do me the honour to inform me that Her Britannic Majesty's Government has no reason to believe that any act will occur on the part of English merchants of a nature to complicate the relations between Great Britain and Russia, which Her Britannic Majesty's Government earnestly desire to maintain on a footing of friendship.

I shall make it my duty to transmit to the Imperial Government an assurance, which I am certain is in entire conformity with its intentions and views.

For my own part, I cannot but add, that if the result of the explanations exchanged between us is to protect private interests connected with commerce from the risks and losses which I have had at heart to prevent, I shall not have cause to regret that on this occasion I have given proof of a solicitude and a frankness which were dictated by the duties of the post which the Emperor my master has been pleased to entrust to me.

I have, &c.
(Signed) BRUNNOW.

TREATY

OF

FRIENDSHIP, COMMERCE, & NAVIGATION,

BETWEEN

HER MAJESTY

AND THE

REPUBLIC OF SALVADOR.

Signed at Guatemala, October 24, 1862.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

Treaty of Friendship, Commerce, and Navigation, between Her Majesty and the Republic of Salvador.

Signed at Guatemala, October 24, 1862.

[*Ratifications exchanged at London, April* 16, 1863.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Salvador, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects and citizens, have deemed it expedient to conclude a Treaty of Friendship, Commerce, and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George Benvenuto Mathew, Esquire, Her Majesty's Minister Plenipotentiary to the Republics of Central America;

And His Excellency the President of the Republic of Salvador, Señor Doctor Don Mariano Padilla, Knight of the Royal American Order of Isabel la Católica;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

LA República del Salvador y Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Yrlanda, deseando mantener y mejorar las relaciones de buena inteligencia que felizmente subsisten entre ellos, y promover el comercio entre sus respectivos ciudadanos y súbditos, han creido conveniente ajustar un Tratado de Amistad, Comercio, y Navegacion, para cuyo fin han nombrado sus respectivos Plenipotenciarios, á saber:

Su Excelencia el Presidente de la República del Salvador, al Señor Doctor Don Mariano Padilla, Caballero de la Real Orden Americana de Ysabel la Catolica, &c., &c., &c.;

Y Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Yrlanda, al Señor Don George Benvenuto Mathew, Escudero, Ministro Plenipotenciario de Su Majestad Británica en las Repúblicas de Centro-América;

Quienes, despues de haber comunicado el uno al ótro sus respectivos plenos poderes, encontrandolos en buena y debida forma, han estipulado y concluido los Articulos siguientes:—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland recognizes the sovereignty and independence of the Republic of Salvador. Consequently, there shall be a perfect, firm, and inviolable peace and sincere friendship between Her Britannic Majesty and the Republic of Salvador, throughout the whole extent of their possessions and territories, and between their subjects and citizens, respectively, without distinction of persons or places.

ARTICULO I.

Su Majestad la Reina del Reyno Unido de la Gran Bretaña é Yrlanda reconoce la soberania é independencia de la República del Salvador. En consecuencia habrá una perfecta, firme é inviolable paz, y amistad sincera, entre la República de Salvador y Su Majestad Británica, por toda la extension de sus territorios, y entre sus respectivos ciudadanos y súbditos, sin distincion de personas ó lugares.

ARTICLE II.

The two High Contracting Parties being desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the subjects or citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold all kinds of property which the laws of the country may permit any foreigners, of whatever nation, to hold, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with native subjects or citizens. They shall enjoy all the privileges and concessions in these matters which are or may be made to the subjects or citizens of any country; and shall enjoy all the rights, privileges, and exemptions, in navigation, commerce, and manufactures, which native subjects or citizens do or shall enjoy, submitting themselves to the laws there established, to which native subjects or citizens are subjected.

The ships of war and post-office packets of each Contracting Party, respectively, shall have liberty to enter into all harbours, rivers, and places within the territories of the other, to which the ships of war and packets of other nations are or may be permitted to come; to anchor there, and to remain and refit; subject always to the laws of the two countries respectively.

The High Contracting Parties further engage that neither will grant any favour to any other nation, in respect of commerce and navigation, which shall not immediately become common to the other Contracting Party.

ARTICULO II.

Las dos Altas Partes Contratantes, deseando poner el comercio y navegacion de sus respectivos paises sobre la base liberal de una perfecta igualdad y reciprocidad, convienen mutuamente que los ciudadanos y súbditos de la una puedan frecuentar todas las costas y paises de la otra, y residir en ellos, y tendrán la facultad de comprar y poseer toda clase de propiedad que las leyes del pais permitan poseer á los extranjeros de cualquiera nacion, y ocuparse en toda clase de trafico, manufacturas y minas, en los mismos términos que los ciudadanos y súbditos naturales. Ellos gozarán de todos los privilejios y concesiones que en estas materias se concedan ó puedan concederse á los ciudadanos ó súbditos de cualquier pais; y gozarán de todos los derechos, privilejios y exênciones en navegacion, comercio, y manufacturas de los cuales gozan ó gozaren los ciudadanos ó súbditos naturales, sometiendose á las mismas leyes alli establecidas, á que esten sujetos los ciudadanos ó súbditos naturales.

Los buques de guerra y los paquebotes de cada una de las Partes Contratantes tendrán respectivamente libertad de entrar en todos los puertos, rios, y lugares dentro de los territorios de la otra, á los cuales se permite ó se permitieren entrar á los buques de guerra ó paquebotes de otras naciones, andar en ellos, permanecer y repararse; sujetos siempre á las leyes de los dos paises respectivamente.

Las Altas Partes Contratantes se comprometen ademas que no concederán ningun favor á cualquiera otra nacion, con respecto al comercio y navegacion, que no se vuelva inmediatamente comun á la otra Parte Contratante.

ARTICLE III.

The High Contracting Parties agree that, in regard to the coasting trade, the ships, subjects, and citizens of each shall enjoy, in the dominions and territories of the other, the same privileges, and shall be treated in all respects in the same manner, as national vessels, and as native subjects and citizens.

ARTICULO III.

Las Altas Partes Contratantes convienen que con respecto al trafico de costa, los buques, ciudadanos y súbditos de la una gozarán, en los dominios y territorios de la otra, de los mismos privilejios, y serán tratados en todos respectos de la misma manera que los buques nacionales, y como los ciudadanos ó súbditos naturales.

ARTICLE IV.

The Contracting Parties likewise agree, that whatever kind of produce, manufacture, or merchandise can be from time to time lawfully imported into the British dominions in British vessels, may also be imported in vessels of the Republic of Salvador; and that no higher or other duties upon the vessel or upon her cargo shall be levied and collected, whether the importa-

ARTICULO IV.

Las Partes Contratantes convienen asimismo, que cualquier jenero de producto, manufactura, ó mercaderia que pueda en cualquier tiempo ser legalmente introducido en los dominios Británicos en buques Británicos, pueda tambien ser introducido en buques de la República del Salvador; y que no se impondrán ni cobrarán mas altos ú otros derechos á los buques, ó á su carga-

tion be made in vessels of the one country or of the other: and in like manner, that whatever kind of produce, manufacture, or merchandise can be from time to time lawfully imported into the Republic of Salvador in its own vessels, may be also imported in British vessels; and that no higher or other duties upon the vessel or upon her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and that the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in British vessels, or in vessels of the Republic of Salvador.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the British dominions of any article the growth, produce, or manufacture of the Republic of Salvador, and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any article the growth, produce, or manufacture of the British dominions, than are or shall be payable on the same or the like article being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any article to the territories of the other, than such as are payable on the exportation of the same or the like article to any other foreign country.

No prohibition shall be imposed upon the importation of any article the growth, produce, or manufacture of the territories of either of the two Contracting Parties into the territories of the other, which shall not equally extend to the importation of the same or the like article being the growth, produce, or manufacture of any other country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other, which shall not equally extend to the exportation of the same or the like article to the territories of all other nations.

ARTICLE VI.

The subjects and citizens of one of the Contracting Parties shall enjoy, in the

mento, ya se haga la importacion en buques de uno ú otro pais; y de la misma manera que cualquier jenero de producto, manufactura, ó mercaderia que pueda en cualquier tiempo ser legalmente introducido en la República del Salvador en sus propios buques, pueda tambien ser introducido en buques Británicos; y que no se impondrán ni cobrarán ni otros ni mas altos derechos al buque ó á su cargamento, ya la importacion se haga en buques del uno ó del otro pais.

Ademas convienen que cualquiera cosa que pueda ser legalmente exportada ó re-exportada de cada uno de los paises, en sus propios buques, á cualquier pais extranjero, pueda de la misma manera ser exportado ó re-exportado en los buques del otro pais, y que los mismos premios, derechos, y devolucion de derechos, se concederán, y se cobrarán, ya se haga la exportacion ó re-exportacion en buques de la República del Salvador ó en buques Británicos.

ARTICULO V,

No se impondrán ni mas altos ni otros derechos sobre la importacion en los dominios Británicos de cualquier articulo de crecimiento, producto, ó manufactura de la República del Salvador, y no se impondrán ni mas altos ni otros derechos sobre la importacion en la República del Salvador, de cualquier articulo de crecimiento, producto, ó manufactura de los dominios Británicos, que los que se pagan por los mismos ó semejantes articulos, siendo producto ó manufactura de cualquier otro pais extranjero. Ni se impondrán ni mas altos ni otros derechos ó gravámenes, en cada uno de los dos paises, sobre la exportacion de cualquier articulo á los territorios de la otra, que aquellos que se paguen, por la exportacion del mismo ó semejante articulo, á cualquier otro pais extranjero.

Ninguna prohibicion será impuesta á la importacion de cualquier articulo de crecimiento, producto, ó manufactura de los territorios de una de las dos Partes Contratantes en los territorios de la otra, que no se extienda igualmente á la importacion del mismo ó igual articulo, siendo de crecimiento, producto, ó manufactura de cualquiera otro pais; ni se impondrá prohibicion alguna sobre la exportacion de cualquier articulo de los territorios de cada una de las Partes Contratantes á los territorios de la otra, que no se extienda igualmente á la exportacion del mismo ó de igual articulo á los territorios de otras naciones.

ARTICULO VI.

Los ciudadanos y súbditos de una de las Partes Contratantes gozarán en los domi-

dominions, possessions, and territories of the other, equality of treatment with native subjects and citizens, or with the subjects and citizens of the most favoured nation, in regard to warehousing, transit, and re-export, and also in regard to bounties, facilities, and drawbacks.

nios, posesiones y territorios de la otra, de igualdad de trato con los ciudadanos y súbditos naturales, ó con los ciudadanos y súbditos de la nacion mas favorecida, con respecto á almacenage, transito y exportacion, y tambien con respecto á premios, franquicias y devoluciones de derechos.

ARTICLE VII.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, corporations, or establishments of whatever kind, shall be imposed in the ports of either country upon the vessels of the other country, which shall not be equally imposed in the like cases on national vessels.

ARTICULO VII.

Ningunos derechos de tonelaje, puerto, pilotage, faros, cuarantena, ú otros semejantes, de cualquiera naturaleza ó denominacion, levantados á nombre ó para provecho del Gobierno, funcionarios públicos, corporaciones, ó establecimientos de cualquiera clase, serán impuestos en los puertos de cada uno de los dos paises, sobre los buques del otro pais, que no sean igualmente impuestos en los casos semejantes sobre los buques nacionales.

ARTICLE VIII.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the preceding Articles are, to their full extent, applicable to British vessels and their cargoes arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic and their cargoes arriving in British ports, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on the said vessels or upon their cargoes, whether such cargoes shall consist of native or of foreign produce or manufacture.

ARTICULO VIII.

Afin de prevenir la posibilidad de cualquiera mala inteligencia, se declara por tanto que las estipulaciones contenidas en los Artículos precedentes son aplicables en toda su extension á los buques Británicos y á sus cargamentos que arriben á los puertos del Salvador, y reciprocamente á los buques de dicha República y á sus cargamentos que arriben á los puertos Británicos, ya procedan del pais á que respectivamente pertenezcan, ó de los puertos de cualquiera otro pais extranjero; y en uno y otro caso, ningun derecho diferente será impuesto ó cobrado en los puertos de uno y otro pais á dichos buques ó á sus cargamentos, ya consistan tales cargamentos de producto ó manufactura natural ó extranjera.

ARTICLE IX.

All vessels which, according to the laws of Great Britain, are to be deemed British vessels, and all vessels which, according to the laws of the Republic of Salvador, are to be deemed vessels of that Republic, shall, for the purposes of this Treaty, be deemed British vessels and vessels of Salvador respectively.

ARTICULO IX.

Todos los buques que segun las leyes de la Gran Bretaña se reputaren buques Británicos, y todos los buques que segun las leyes de la República del Salvador se reputaren buques de la República, serán para los efectos de este Tratado reputados buques Británicos y buques del Salvador respectivamente.

ARTICLE X.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other subjects or citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being, in all these cases, to

ARTICULO X.

De la misma manera se ha convenido que tengan entera libertad todos los comerciantes, comandantes de buques, y otros ciudadanos y súbditos de ambos paises, para manejar por si mismos ó por ajentes sus negocios propios, en todos los puertos y lugares sujetos á la jurisdiccion de una y otra, como tambien con respecto á la consignacion y venta de sus efectos y mercaderias, por mayor ó por menor, como con respecto á cargar y descargar, y á enviar sus buques; siendo en

be treated as subjects or citizens of the country in which they reside or are conducting their business, and to be subject to the laws of that country.

todos estos casos tratados como ciudadanos ó súbditos del pais en que residieren ó manejaren sus negocios, y estarán sujetos á las leyes de aquel pais.

ARTICLE XI.

Whenever the citizens of either of the Contracting Parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and all favour and protection shall be given to them for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICULO XI.

Siempre que los ciudadanos de cada una de las Partes Contratantes fueren obligados á buscar refugio ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya mercantes ó de guerra, públicos ó privados, por la violencia de una tempestad, perseguimiento de piratas ó enemigos, ó per falta de provisiones ó agua, serán recibidos y tratados con humanidad, y se les dará todo favor y proteccion para reparar sus buques, hacerse de provisiones, y ponerse en capacidad de continuar su viaje, sin obstaculo ó impedimiento alguno.

ARTICLE XII.

If any ship of war or merchant-vessel of either of the High Contracting Parties should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the owners, upon being claimed by them or by their duly authorized agents; and if there are no such owners or agents on the spot, then the said ships, or parts of ships, furniture, appurtenances, goods, and merchandize, or the proceeds thereof if sold, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British Consul or Vice-Consul, or to the Consul or Vice-Consul of the Republic of Salvador, in whose district the wreck may have taken place, upon being claimed by him, and on his giving a receipt or acknowledgment for the same; and upon payment by such Consul, Vice-Consul, owners, or agents, of only the expenses incurred in the preservation of the property, and of the salvage and other expenses which would have been payable in the like case of a wreck of a national vessel. The charge for such salvage or other expenses shall be made and settled immediately, subject to such right of appeal on the part of the person paying the same as may exist in the respective countries. The goods and merchandize saved from the wreck shall not be subject to duties, unless cleared for consumption; in which case they shall be liable only to the same duties as if they had been imported in a national vessel.

ARTICULO XII.

Si algun buque de guerra ó nave mercante de cada una de las Altas Partes Contratantes naufragare en las costas de la otra, tal buque ó nave, ó cualquiera parte y todo el apresto y pertenencias de ellas, todos los efectos y mercaderias que se salvaren, ó el producto de ellas si fuesen vendidas, serán fielmente entregados á sus dueños ó ajentes debidamente autorizados, y si no hubiere tales dueños ó ajentes en el lugar, entonces los dichos buques, ó parte de los buques, aprestos, pertenencias, ó efectos y mercaderias, ó sus productos si fuesen vendidos, como tambien los papeles encontrados á bordo de dichos buques naufragados, serán entregados al Consul ó Vice-Consul de la República del Salvador, ó al Consul ó Vice-Consul Británico, en cuyo distrito haya tenido lugar el naufragio, siendo reclamados por él, y dando un recibo ó reconociniento de lo mismo, y pagando dicho Consul, Vice-Consul, dueños, ó ajentes, solamente los gastos incurridos en la conservacion de la propiedad, y el salvamento y los otros gastos que se pagaren en igual caso de un naufragio de un buque nacional.

El gasto ó costo de tal salvamento y las demas expensas serán hechas y arregladas inmediatamente, sujetos á aquel derecho de apelacion de parte de la persona que los pague, que pueda existir en los respectivos paises.

Los efectos y mercaderias salvadas del naufrajio no estarán sujetos á derechos, á no ser que sean extrahidos para el consumo; en cuyo caso estarán sujetos á los mismos derechos que si hubiesen sido importados en un buque nacional.

ARTICLE XIII.

The subjects and citizens of either of the two Contracting Parties in the territories of the other shall be at full liberty to acquire, possess, and dispose of, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner whatever, every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to hold. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the ordinary form of law, in the same manner as subjects or citizens of the country; and in the absence of such heirs and representatives, the property shall be treated in the same manner as the like property belonging to a subject or citizen of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge, than is payable by subjects or citizens of the country. In every case the subjects and citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof; British subjects from the territory of Salvador, and Salvador citizens from the British territory, freely, and without being subjected on such exportation to pay any duty as foreigners, and without having to pay any other or higher duties than those to which subjects or citizens of the country are liable.

ARTICULO XIII.

Los ciudadanos y súbditos de cada una de las dos Partes Contratantes tendrán entera libertad para adquirir, poseer, y disponer, ya por compra, venta, donacion, cambio, matrimonio, testamento, succesion *ab intestato*, ó de cualquiera otra manera, toda clase de propiedad que las leyes del pais permitan poseer á los estranjeros de cualquiera nacion. Sus herederos y representantes podrán succeder y tomar posesion de tal propiedad por si, ó por ajentes que hagan sus veces, en la forma ordinaria de la ley, de la misma manera que los ciudadanos y súbditos del pais; y en caso de ausencia de tales herederos y representantes, la propiedad será tratada de la misma manera que la propiedad que pertenezca á un ciudadano ó súbdito del pais, en circunstancias semejantes.

En ninguno de estos respectos pagarán por el valor de tal propiedad otros ó mas altos derechos, impuestos, ó gravamenes, que los que se paguen por los ciudadanos ó súbditos del pais.

En todo caso, los ciudadanos y súbditos de las Partes Contratantes tendrán permiso de exportar su propiedad, ó los productos de ella; los súbditos Británicos del territorio del Salvador, y los ciudadanos del Salvador del territorio Británico, libremente, y sin estar sujetos por tal exportacion á pagar ningun derecho como estrangeros, y sin tener que pagar otros ó mas altos impuestos que aquellos á que esten sujetos ciudadanos ó súbditos del pais.

ARTICLE XIV.

Both Contracting Parties promise and engage formally to give their special protection to the persons and property of the subjects or citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the native subjects or citizens of the country; for which purpose they may either appear in proper person, or employ, in the prosecution or defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to native subjects or citizens.

ARTICULO XIV.

Ambas Partes Contratantes se comprometen y empeñan formalmente á dar su proteccion especial á las personas y propiedades de los ciudadanos y súbditos de la otra, de todas las ocupaciones, que puedan tener en los territorios sujetos á la jurisdiccion de la una ó de la otra, transeuntes ó habitantes de ellos, dejandoles abiertos y libres los tribunales de justicia para sus recursos judiciales, en los mismos terminos que se usa y acostumbra con los ciudadanos ó súbditos naturales del pais; para cuyo fin podrán presentarse en persona, ó emplear en la prosecucion ó defensa de sus derechos, á aquellos abogados, procuradores, escribanos, ajentes y factores, que juzguen convenientes, en todas sus acciones judiciales; y tales ciudadanos ó ajentes tendrán libre oportunidad para estar presentes en las decisiones ó sentencias de los tribunales, en todos los casos que les concierna, y gozarán en semejantes casos de todos los derechos y privilejios concedidos á los ciudadanos y súbditos naturales.

ARTICLE XV.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions or territories of the other Contracting Party, or in the absence of lawful heirs or representatives, the Consul-General, Consul, or Acting Consul of the nation to which the deceased may belong, shall, so far as the laws of each country will permit, have the right, after a duly made and attested inventory has been signed by him, to take possession and charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, giving immediate notice of the death to the authorities of the country.

ARTICULO XV.

En el evento de que algun ciudadano ó súbdito de cada una de las dos Partes Contratantes muera sin ultima voluntad ó testamento en los dominios ó territorios de la otra Parte Contratante, ó en la ausencia de herederos ó representantes lejitimos, el Consul-General, Consul, ó Consul interino de la nacion á que perteneciere el difunto, tendrá derecho, en cuanto lo permitan las leyes de cada pais, despues de haber sido firmado por aquel el inventario hecho y autorizado en debida forma, para tomar posesion y encargarse de la propiedad que el difunto haya dejado, en beneficio de sus herederos lejitimos y acreedores, dando pronto aviso del fallecimiento á las autoridades del pais.

ARTICLE XVI.

The subjects of Her Britannic Majesty residing in the Republic of Salvador, and the citizens of the Republic of Salvador residing in the dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans, or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary or extraordinary charges, requisitions, or taxes, other or higher than those that are or may be paid by native subjects or citizens.

ARTICULO XVI.

Los ciudadanos de la República del Salvador, y los súbditos de Su Majestad Británica, que residan en los dominios de la una ó de la otra Potencia, estarán exêntos de todo servicio militar compulsorio, ya sea de mar ó de tierra, y de todos los empresti-tos forzosos, ó exacciones ó requisiciones militares, y no serán compelidos, bajo ningun pretexto, á pagar cargas ordinarias ó extraordinarias, requisiciones, ó impuestos diferentes ó mas elevados que los que se paguen por los ciudadanos y súbditos naturales.

ARTICLE XVII.

It is agreed and covenanted that neither of the High Contracting Parties shall knowingly receive into, or retain in, its service, any subjects or citizens of the other Party who have deserted from the naval or military service of that other Party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its service any such deserters, upon being required by the other Party to do so.

And it is further agreed, that if any of the crew of any merchant-vessel of either Contracting Party shall desert from such vessel within any port in the territory of the other Party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul: and any person knowingly protecting or harbouring such deserters shall be liable to punishment.

ARTICULO XVII.

Se ha convenido y estipulado que ninguna de las dos Partes Contratantes recibirá con conocimiento, ó retendrá en su servicio, á los ciudadanos y súbditos de la otra Parte, que se hubieren desertado del servicio militar ó naval de aquella otra Parte; sino que, al contrario, cada una de las Partes Contratantes despedirá respectivamente de su servicio á semejantes desertores, siendo requerida por la otra Parte á hacerlo asi.

Se conviene ademas, que si alguno de la tripulacion de un buque mercante de cada una de las Partes Contratantes se desertare de tal buque dentro de algun puerto en el territorio de la otra Parte, las autoridades de dicho puerto y territorio estarán obligadas á dar todo el auxilio que puedan para la aprehension de tales desertores, siendo hecha para este efecto una solicitud por el Consul de la Parte interesada, ó por el comisionado ó representante del Consul: y toda persona que á sabiendas proteja ó abrigue á tales desertores estará sujeta á castigo.

ARTICLE XVIII.

British subjects residing in the territories of the Republic of Salvador shall enjoy the most perfect and entire liberty of conscience, without being annoyed, molested, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion, in private houses, or in the chapels or places of worship destined for that purpose, provided that in so doing they observe the decorum due to Divine worship, and the respect due to the laws of the country. Liberty shall also be granted to bury British subjects who may die in the territories of the Republic of Salvador, in convenient and adequate places, to be appointed and established by British subjects for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise or upon any account.

In like manner, the citizens of Salvador shall enjoy within the dominions of Her Britannic Majesty a perfect and unrestrained liberty of conscience, and of exercising their religion within private houses, or in the chapels or places of worship destined for that purpose, agreeably to the laws of those dominions.

ARTICULO XVIII.

Los súbditos Británicos que residan en los territorios de la República del Salvador gozarán de la mas perfecta y entera libertad de conciencia, sin ser incomodados, molestados, ó inquietados, por razon de su creencia religiosa: ni serán incomodados, molestados, ó inquietados en el ejercicio propio de su religion en las casas privadas, ó en las capillas ó lugares de adoracion destinados para este fin, con tal que al hacerlo asi observen el decoro debido al culto divino, y el respeto debido á las leyes del pais. Tambien se concederá libertad para enterrar á los súbditos Británicos que murieren en los territorios de la República del Salvador, en lugares convenientes y adecuados, que serán designados y establecidos por los súbditos Británicos para este fin con conocimiento de las autoridades locales, ó en aquellos otros lugares de sepultura que sean elegidos por los amigos del difunto; ni los funerales ó sepulcros de los muertos serán inquietados de manera alguna, ni por ningun motivo.

De la misma manera los ciudadanos del Salvador dentro de los dominios de Su Majestad Británica gozarán de una perfecta y absoluta libertad de conciencia, y de ejercer su religion dentro de casas privadas, ó en las capillas ó lugares de adoracion destinados para este fin, conforme á las leyes de aquellos dominios.

ARTICLE XIX.

For the better security of commerce between the subjects and citizens of the two High Contracting Parties, it is agreed that if at any time any rupture, or any interruption of friendly intercourse, should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of them, established in the territories of the other, who may reside upon the coasts, shall be allowed six months, and those who may reside in the interior a whole year, to wind up their accounts and to dispose of their property; and a safe-conduct shall be given to them to embark at the port which they themselves shall select. The subjects or citizens of either of the two Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or other occupation or employment, shall be allowed to remain and continue in the exercise of the said trade or occupation, notwithstanding the interruption of friendship between the two countries, in the free enjoyment of their personal liberty and property, so long as they behave peaceably and observe the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the

ARTICULO XIX.

Para mayor seguridad del comercio entre ciudadanos y súbditos de las dos Altas Partes Contratantes, se ha convenido que si, en algun tiempo, desgraciadamente se verificase algun rompimiento ó alguna interrupcion de las relaciones amistosas entre las dos Altas Partes Contratantes, los ciudadanos ó súbditos de cada una, establecidos en los territorios de la otra, que residan en las costas, tendrán la concesion de seis meses, y aquellos que residan en el interior de un año entero, para arreglar sus cuentas, y disponer de su propiedad, y se les dará un salvo-conducto para embarcarse en el puerto que ellos escojieren.

A los ciudadanos ó súbditos de las dos Altas Partes Contratantes que estén establecidos en los territorios ó dominios de la otra, con el ejercicio de algun tráfico ú otra ocupacion ó empleo, se les permitirá permanecer y continuar en el ejercicio de dicho tráfico ú ocupacion, no obstante la interrupcion de la amistad entre los dos paises, en el libre goce de su libertad y propiedad personal, mientras que se porten pacificamente y observen las leyes; y sus bienes y efectos, de cualquiera naturaleza que sean, ya en su propia custodia ó confiados á individuos ó al Estado, no estarán sujetos

State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, debts between individuals, public funds, and the shares of companies, shall never be confiscated, sequestered, or detained.

ARTICLE XX.

It shall be free for each of the two Contracting Parties to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other Party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

The Diplomatic Agents and Consuls of each of the two High Contracting Parties in the dominions or territories of the other, shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Agents of the same rank, belonging to the most favoured nation.

ARTICLE XXI.

The present Treaty shall remain in force for the term of twenty years from the day of the exchange of ratifications; and if neither Party shall notify to the other its intention of terminating the same, twelve months before the expiration of the twenty years stipulated above, the said Treaty shall continue binding on both Parties beyond the said twenty years, until twelve months from the time that one of the Parties may notify to the other its intention of terminating it.

ARTICLE XXII.

The present Treaty of Friendship, Commerce, and Navigation, shall be ratified, and the ratifications shall be exchanged at London as soon as possible within six months from this date.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Guatemala, the twenty-fourth day of October, in the year of Our Lord one thousand eight hundred and sixty-two.

(L.S.) GEORGE B. MATHEW.
(L.S.) MARIANO PADILLA.

á aprehension ó secuestro, ó á cualesquiera otros gravámenes ó demandas, que á aquellos que puedan imponerse á iguales efectos ó á la propiedad de la pertenencia de ciudadanos naturales.

En el mismo caso, las deudas entre individuos, los fondos ó documentos publicos, y las acciones de compañias, no serán confiscadas, secuestradas, ó detenidas.

ARTICULO XX.

Cada una de las dos Partes Contratantes tendrá libertad de nombrar Consules para la proteccion del comercio, que residan en los dominios y territorios de la otra Parte; pero antes que algun Consul funja como tal, será, en la forma acostumbrada, aprobado y admitido por el Gobierno á que fuere enviado.

Los Ajentes Diplomáticos y los Consules de cada una de las dos Altas Partes Contratantes en los dominios y territorios de la otra, gozarán de todos los privilejios, exenciones, é inmunidades que se conceden ó concedieren alli á los Ajentes del mismo rango pertenecientes á la nacion mas favorecida.

ARTICULO XXI.

El presente Tratado permanecerá en fuerza por el término de veinte años desde el dia del canje de las ratificaciones; y si ni una ni otra Parte notificare á la otra su intencion de terminarle, doce meses antes de la expiracion de los veinte años estipulados arriba, dicho Tratado continuará obligatorio á ambas Partes mas allá de los dichos veinte años, hasta los doce meses del tiempo en que una de las Partes notifique á la otra su intencion de finalizarle.

ARTICULO XXII.

El presente Tratado de Amistad, Comercio, y Navegacion será ratificado, y las ratificaciones serán canjeadas en Londres tan pronto como sea posible dentro de seis meses, contados desde esta fecha.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado el mismo, y han fijado en él sus respectivos sellos.

Hecho en Guatemala, el veinticuatro de Octubre, del año de nuestro Señor mil ochocientos sesenta y dos.

(L.S.) MARIANO PADILLA.
(L.S.) GEORGE B. MATHEW.

TREATY of Friendship, Commerce, and Navigation, between Her Majesty and the Republic of Salvador.

Signed at Guatemala, October 24, 1862.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

LONDON
PRINTED BY HARRISON AND SONS.

Turkey 887

ORDER IN COUNCIL

AND

CORRESPONDENCE

RESPECTING THE

ADMINISTRATION OF JUSTICE

IN THE

OTTOMAN EMPIRE.

Presented to the House of Commons, by Command of Her Majesty, in pursuance of their Address dated February 27, 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

[3477]

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RETURN to an Address of the Honourable the House of Commons, dated February 27, 1863;
for—

"Copies of the Order in Council for the Administration of Justice in the Ottoman territories;

"Of the Instructions for carrying the same into execution;

"And of any Memorials, Petitions, and Correspondence relating thereto."

No. 1.

Order of Her Majesty in Council for the Regulation of Consular Jurisdiction in the Dominions of the Sublime Ottoman Porte.

At the Court at Osborne House, Isle of Wight, the 9th day of January, 1863.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Preamble. WHEREAS by the Act of the Session of Parliament of the sixth and seventh years of Her Majesty's reign (Chapter 94), "to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions and to render the same more effectual," hereinafter called The Foreign Jurisdiction Act, it was enacted (among other things) that it was and should be lawful for Her Majesty to hold, exercise and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

Foreign Jurisdiction Act (August 24, 1843), 6 & 7 Vict., c. 94.

And whereas Her Majesty has had and now has power and jurisdiction in the dominions of the Sublime Ottoman Porte:

Former Order in Council. And whereas Her Majesty was pleased on the 27th day of August, 1860, by and with the advice of Her Privy Council, to make by Order in Council dated that day, provision for the exercise of Her power and jurisdiction aforesaid:

Object of present Order. And whereas it has seemed to Her Majesty, by and with the advice of Her Privy Council, to be expedient at the present time to revise the provisions of the said Order, and to make further provision for the due exercise of Her Majesty's power and jurisdiction aforesaid, and for the more regular and efficient administration of justice and the better maintenance of order among all classes of Her Majesty's subjects and of persons enjoying Her Majesty's protection resident in or resorting to the dominions of the Sublime Ottoman Porte:

Now, therefore, Her Majesty, by virtue of the powers in this behalf by The Foreign Jurisdiction Act or otherwise in Her vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:—

I.—PRELIMINARY.

Date of coming into operation. 1. This Order shall come into operation on the first day of March, 1863.

Repeal of former Order. 2. The Order of the 27th day of August, 1860, shall be repealed.

This repeal shall not affect the past operation of that Order, or any appointment made or thing done under it.

Pending proceedings. Pending proceedings shall be regulated by this Order as far as the nature and circumstances of each case admit.

Interpretation. 3. In this Order the term "the Ottoman dominions" means the dominions of the Sublime Ottoman Porte;

The term "month" means calendar month;

Words importing the plural or the singular may be construed as referring to one person or thing, or more than one person or thing, and

words importing the masculine as referring to females (as the case may require).

British subjects and protected persons.

4. The provisions of this Order relating to British subjects apply to all subjects of Her Majesty, whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the Ottoman dominions.

Ionians.

The provisions of this Order relating to British subjects shall also, until it is otherwise ordered, extend to subjects of the United States of the Ionian Islands, resident in or resorting to the Ottoman dominions, except in the following particulars:—

(1.) So far as those provisions relate to trial in civil cases with a jury (with respect to which Ionian subjects shall be in the same position as foreigners), or to the serving on juries in civil cases:

(2.) So far as those provisions confer or relate to the power of imposing punishment of an amount greater than that which can now be lawfully awarded in the case of an Ionian subject by a Consular Officer of Her Majesty in the Ottoman dominions:

(3.) So far as those provisions confer or relate to the power of deporting from the Ottoman dominions.

Ionian vessels.

The provisions of this Order relating to British vessels extend to vessels navigating under the national commercial flag of the United States of the Ionian Islands.

Foreigners.

The provisions of this Order relating to foreigners apply to subjects of the Sublime Ottoman Porte and subjects or citizens of any other Power or State (not being enemies of Her Majesty).

II.—General Provisions respecting Her Majesty's Jurisdiction.

Her Majesty's jurisdiction to be exercised according to this Order exclusively.

5. All Her Majesty's jurisdiction exerciseable in the Ottoman dominions for the judicial hearing and determination of matters in difference between British subjects, or between British subjects and foreigners,—or for the administration or control of the property or persons of British subjects,—or for the repression or punishment of crimes or offences committed by British subjects,—or for the maintenance of order among British subjects,—shall be exercised under and according to the provisions of this Order, and not otherwise.

Law of England to be administered.

6. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised upon the principles of, and in conformity with, the Common Law, the Rules of Equity, the Statute Law, and other law, for the time being in force in and for England, and with the powers vested in and pursuant to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

Saving for customs.

7. Nothing in this Order shall be deemed to deprive Her Majesty's Consular officers of the right to observe and to enforce the observance of any reasonable custom obtaining within the Ottoman dominions, or to deprive any person of the benefit thereof, except where this Order contains some express and specific provision incompatible with the observance of such custom.

What to be deemed criminal acts.

8. Except as to offences against the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, or against any rules and regulations for the observance thereof, or for the maintenance of order among British subjects in the Ottoman dominions made by or under the authority of Her Majesty, or against any of the provisions of this Order, or any rule made under it,—

No act done by a British subject in the Ottoman dominions or on board a British vessel within those dominions, which would not by a Court of Justice having criminal jurisdiction in England be deemed a crime or offence, rendering the person doing such act amenable to punishment in England, shall, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence rendering the person doing such act amenable to punishment.

III.—Constitution of Her Majesty's Consular Courts.

1.—*The Supreme Consular Court at Constantinople.*

Style of Supreme Consular Court.

9. There shall be a Court styled "Her Britannic Majesty's Supreme Consular Court for the Dominions of the Sublime Ottoman Porte."

Place of sitting.

10. The Supreme Consular Court shall hold its ordinary sittings at Constantinople; but may, on emergency, sit at any other place within the district of the Consulate-General of Constantinople, and may at any time hold its ordinary sittings at any such place within the Ottoman dominions as one of Her Majesty's Principal Secretaries of State may approve.

Judge.

11. There shall be one Judge of the Supreme Consular Court.

How appointed.

He shall be appointed by Her Majesty by Warrant under Her Royal Sign-Manual.

Qualification.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland, or Ireland, of not less than seven years' standing, or a subject of Her Majesty (by birth or naturalization), who shall have filled the office of Legal Vice-Consul in the Ottoman dominions, or the office of Law Secretary to the Supreme Consular Court.

Consular Commission. Rank.

He shall hold, by special commission from Her Majesty, the appointment of Vice-Consul, but shall have rank and precedence as if he held the appointment of Consul-General.

Deputy.

He may, in case of his absence from the district of the Consulate-General of Constantinople, either in the discharge of his duty, or with permission of one of Her Majesty's Principal Secretaries of State, or in case of illness, appoint, by writing under his hand and seal, a fit person to be his Deputy, who shall have all the power and authority of Judge.

Acting Judge.

During a vacancy in the office of Judge, or on emergency, a fit person, approved by one of Her Majesty's Principal Secretaries of State, may temporarily be and act as Acting Judge, with all the power and authority of Judge.

Officers and Clerks of Court.

12. There shall be attached to the Court—

(1.) One Legal Vice-Consul:

(2.) One Law Secretary:

(3.) So many officers and Clerks as one of Her Majesty's Principal Secretaries of State may from time to time think fit.

One of Her Majesty's Principal Secretaries of State may from time to time temporarily attach to the Court such persons holding appointments as Consuls or Vice-Consuls as he may think fit.

Legal Vice-Consul and Law Secretary; Their appointments, rank, and duties.

13. The Legal Vice-Consul and the Law Secretary shall be appointed by Her Majesty.

They shall respectively hold by special commission from Her Majesty the appointment of Vice-Consul; but the Legal Vice-Consul shall always have rank and precedence above the Law Secretary.

The Legal Vice-Consul shall act as Registrar of the Court.

Criminal cases.

The Law Secretary shall discharge such duties in connection with the conduct of criminal prosecutions as the Judge may from time to time direct.

The Legal Vice-Consul shall hear and determine in a summary way such criminal charges as may under this Order be properly so heard and determined, and as may be specially referred to him by the Judge.

The Law Secretary shall hear and determine in a summary way such criminal charges as may under this Order be properly so heard and determined, and as the Judge may from time to time think necessary for the despatch of urgent business to refer specially to him.

Civil cases.

Where a suit or proceeding of a civil nature, originally instituted in the Supreme Consular Court, relates to money, goods, or other property, or any civil right or other matter at issue of a less amount or value than 100*l.* sterling, or is instituted for the recovery of damages of a less amount than 100*l.* sterling, the Judge may refer such suit or proceeding specially to the Legal Vice-Consul to be heard and determined by him; or if it appears to the Judge necessary for the despatch of urgent business, he may refer such suit or proceeding specially to the Law Secretary to be heard and determined by him; but in all such cases an appeal shall lie as of course to the Judge.

Acting Legal Vice-Consul or Law Secretary.

In case of the absence or illness of the Legal Vice-Consul or Law Secretary, or during a vacancy in the office of Legal Vice-Consul or Law Secretary, or during the temporary employment of the Legal Vice-Consul or Law Secretary in any other capacity, the Judge may, by writing under his hand and seal, appoint the Law Secretary to act temporarily as Legal Vice-Consul (if the case so requires), or any fit person approved by one of Her Majesty's Principal Secretaries of State to act temporarily as Legal Vice-Consul or as Law Secretary (as the case may require). The Law Secretary or other person so appointed shall have all the power and authority of Legal Vice-Consul or of Law Secretary (as the case may be).

Duties of Consuls and Vice-Consuls temporarily attached.

Every Consul or Vice-Consul temporarily attached to the Court under Article 12 shall discharge such duties in connection with the Court as the Judge may from time to time, with the approval of one of Her Majesty's Principal Secretaries of State, direct; and for that purpose shall have the like power and authority as the Legal Vice-Consul.

2.—*The Provincial Consular Courts.*

Provincial Consular Courts to be held by Consuls or Vice-Consuls (commissioned); or by Acting Consuls or Vice-Consuls.

14. Each of Her Majesty's Consuls-General, Consuls, and Vice-Consuls (holding a commission as such from Her Majesty), resident in the Ottoman dominions (with the exception of Her Majesty's Consul-General at Constantinople, and with such other exceptions as one of Her Majesty's Principal Secretaries of State may at any time think fit to make), or any person acting temporarily, with the approval of one of Her Majesty's Principal Secretaries of State, as such a Consul-General, Consul, or Vice-Consul shall, for and in his own Consular district, hold and form a Court styled "Her Britannic Majesty's Consular Court at [*Smyrna, or as the case may be*]," hereinafter called a Provincial Consular Court.

IV.—Juries. Assessors.

Qualification of jurors.

15. Every male British subject resident in the Ottoman dominions,—being of the age of 21 years or upwards,—being able to speak and read English,—having or earning a gross income at the rate of not less than 50*l.* a-year,—not having been attainted of treason or felony or convicted of any crime that is infamous (unless he has obtained a free pardon),—and not being under outlawry,—shall be qualified to serve on a jury.

Exemptions.

16. All persons so qualified shall be liable so to serve, except the following:—

Persons in Her Majesty's Diplomatic, Consular, or other Civil service in actual employment;

Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of any Consular Court;

Officers and others on full pay in Her Majesty's navy or army, or in actual employment in the service of any Department connected therewith;

Persons holding appointments in the Civil service, and Commissioned Officers in the Naval or Military service, of the Sublime Ottoman Porte;

Clergymen and ministers in the actual discharge of professional duties;

Advocates and attorneys in actual practice;

Physicians, surgeons, and apothecaries in actual practice;

And except persons disabled by mental or bodily infirmity.

Making of jury list.

17. On or before the 14th day of March in the year 1863, and on or before the 14th day of January in every subsequent year, each Consular Court shall make out a list of the persons so qualified and liable resident within its district.

The list shall, on or before the 21st day of the same respective month, be affixed in some conspicuous place in the Court, and shall be there exhibited until the 31st day of that month, with a notice annexed that on a day specified, not being sooner than the 7th or later than the 14th day of the then next month, the Court will hold a special sitting for the revision of the list.

The Court shall hold such special sitting accordingly, and at such sitting, or at some adjournment thereof (of which public notice shall be given), shall revise the list by striking out the name of any person appear-

ing to be not qualified or not liable to serve, and by inserting the name of any person omitted and appearing to be so qualified and liable. either on the application of the person omitted, or on such notice to him as the Court may direct.

The list shall be finally revised and settled not later than the 21st day of April, in the year 1863, and not later than the 21st day of February in every subsequent year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

Such list, as settled in the year 1863, and in every subsequent year respectively, shall be brought into use in the year 1863, on the 1st day of May, and in every subsequent year on the 1st day of March, and shall be used as the Jury List of the Court, as to the year 1863 for the ten months, and as to every subsequent year for the twelve months, then next ensuing.

Summoning and attendance of jurors. Penalty.

18. Where, in pursuance of this Order, a jury is required, the Court shall summon so many of the persons comprised in the Jury List, not fewer than fifteen, as may seem requisite.

Any person failing to attend according to such summons shall be liable to such fine, of not more than 10*l.* sterling, as the Court may impose.

Any such fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him within six days after the receipt of the notice to file an affidavit excusing his non-attendance (if he desire to do so). The Court shall consider the affidavit, and may, if it seems proper, remit the fine.

Number of jury.

19. A jury shall consist of five jurors.

Challenges.

In civil and in criminal cases the like challenges shall be allowed as in England, with this addition, that in civil cases each party may challenge three jurors peremptorily.

Unanimity.

A jury shall be required to give an unanimous verdict.

Proceedings to be in English.

Where there is a jury, all the proceedings at the trial shall be conducted in English,—evidence, if given in any other language, being interpreted in the usual way.

Provincial Consular Court without Legal Vice-Consul,—Assessors: their number; qualifications;

20. Where a Provincial Consular Court (not held before a resident Legal Vice-Consul) proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, with Assessors, the Court shall nominate and summon as Assessors not less than two, and not more than four indifferent British subjects of good repute, resident in the district of the Court.

Where, however, by reason of local circumstances, the Court is able to obtain the presence of one fit person only as Assessor, the Court may sit with him alone as Assessor, and where for like reasons it is not able to obtain the presence of any fit person as Assessor, it may sit without an Assessor; but in every such case the Court shall record in the minutes of proceedings its reasons for sitting with one Assessor only, or without an Assessor.

and functions.

An Assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal, but an Assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court or the conviction or the amount of punishment awarded, may record in the minutes of proceedings his dissent and the grounds thereof, and an Assessor dissenting shall be entitled to receive gratis a certified copy of the Minutes.

V.—Jurisdiction and Authorities of the Consular Courts.

1.—*In General.*

Ordinary original jurisdiction of Supreme Consular Court.

21. All Her Majesty's jurisdiction, civil and criminal, exerciseable in the Ottoman dominions, shall, for and within the district of the Consulate-General of Constantinople, be vested exclusively in the Supreme Consular Court as its ordinary original jurisdiction.

Jurisdiction of Provincial Consular Courts.

22. All Her Majesty's jurisdiction, civil and criminal, exercisable in the Ottoman dominions beyond the district of the Consulate-General of Constantinople, and not under this Order vested exclusively in the Supreme Court, shall, to the extent and in the manner provided by this Order, be vested in the Provincial Consular Courts each for and within its own district.

Concurrent jurisdiction of Supreme with Provincial Consular Courts.

23. The Supreme Consular Court shall have, in all matters civil and criminal, an original jurisdiction concurrent with the jurisdiction of the several Provincial Consular Courts, such concurrent jurisdiction to be exercised subject and according to the other provisions of this Order.

Visits to Provincial Consular Courts.

24. The Judge of the Supreme Consular Court may visit, or appoint the Legal Vice-Consul or the Law Secretary of the Supreme Consular Court to visit, in a magisterial or judicial capacity, any Provincial Consular Court, and there inquire of, or hear and determine, any case, civil or criminal, pending in that Court, or arising within its district,—or may appoint the resident Legal Vice-Consul of any Provincial Consular Court to visit in like manner any Provincial Consular Court where there is not a resident Legal Vice-Consul.

Referenee of case by Provincial to Supreme Consular Court.

25. A Provincial Consular Court may, of its own motion, or on the application of any person concerned, report to the Supreme Consular Court the pendency of any case, civil or criminal, which appears to the Provincia Consular Court fit to be heard and determined by the Supreme Consular Court.

The Supreme Consular Court shall thereupon direct in what mode and where the case shall be heard and determined.

Courts of Record.

26. Every Consular Court shall, in the exercise of every part of its respective jurisdiction, be a Court of Record.

Execution by Provincial of writs and orders from Supreme Consular Court.

27. Each Provincial Consular Court shall execute any writ or order issuing from the Supreme Consular Court, and take security from any person named in any writ or order for his appearance personally or by attorney, and in default of such security being given, or when specially ordered by the Supreme Consular Court so to do, send such person to Constantinople on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel.

Removal of person to Constantinople.

The order of the Supreme Consular Court shall be sufficient authority to the commander or master of such vessel of war or other vessel to receive and detain such person, and carry him to and deliver him up at Constantinople according to the order.

Courts to be auxiliary.

28. The several Consular Courts shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

Report by Provincial to Supreme Consular Court.

29. Each Provincial Consular Court shall every six months furnish to the Supreme Consular Court a full and faithful report of every case, civil and criminal, brought before it, in such form as the Judge of the Supreme Consular Court may from time to time direct.

2.—*In Civil Matters.*

Reconciliation and Arbitration.

Reconciliation before litigation.

30. Every Consular Court and its officers shall, as far there is proper opportunity, promote reconciliation, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons over whom the Court has jurisdiction.

Settlement of litigation.

31. Every Consular Court may promote reconciliation, and encourage and facilitate the settlement in an amicable way of any suit or proceeding pending before it.

Reference to arbitration by Court.

32. A Consular Court may, with the consent of the parties, refer to arbitration the final determination of any suit or proceeding pending before it, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an Arbitrator and other things as may seem fit, and may, if it thinks fit, take from the parties, or any of them, security to abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a Decree of the Court may be entered in conformity with the award, and such Decree shall not be open to any appeal or re-hearing whatever.

Reference to arbitration made rule of Court.

33. Every agreement for reference to arbitration or submission to arbitration by consent between or by British subjects, may, on the application of any party, be made a rule of the Consular Court having jurisdiction in the matter of the reference or submission, which Court shall thereupon have power and authority to enforce the agreement or submission, and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as may be just.

General Authority of Courts.

Law and equity.

34. The Supreme and every other Consular Court shall be a Court of Law and of Equity; and (subject to the other provisions of this Order) shall have and may exercise all jurisdiction, power, and authority, legal, equitable, or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

Customary jurisdiction.

Special Authorities of Courts.

Bankruptcy.

The Supreme and every other Consular Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, each for and within its own district, with respect to British subjects and to their debtors and creditors, being either British subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in England in bankruptcy.

Admiralty.

36. The Supreme Consular Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being belongs to any Court of Vice-Admiralty in any of Her Majesty's Possessions abroad, except any jurisdiction relating to prize or booty.

Every Provincial Consular Court held before a resident Legal Vice-Consul shall be a Court of Vice-Admiralty, and as such shall, for its own district, and for vessels and persons coming within that district, have the like jurisdiction.

Lunacy.

37. The Supreme Consular Court shall, as far as circumstances admit, have in itself exclusively, for and within the dominions of the Sublime Ottoman Porte, with respect to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind, as for the time being belongs to the Lord Chancellor or other person or persons in England entrusted, by virtue of Her Majesty's sign-manual, with the care and commitment of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

Matrimonial Causes.

38. The Supreme Consular Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to British subjects, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

Probate and Administration.

39. The Supreme Consular Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions, with respect to the property of British subjects having at the time of death their fixed places of abode within those dominions, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

A Provincial Consular Court shall, however, also have power to grant probate or administration where there is no contention respecting the right to the grant, and it is proved on oath that the deceased had at the

time of his death, his fixed place of abode within the jurisdiction of the particular Court.

Probate or administration granted by a Provincial Consular Court shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding any defect may afterwards appear in the grant. Such a grant shall not be impeachable by reason only that the deceased had not, at the time of his death, his fixed place of abode within the particular jurisdiction.

Property of intestate until administration.

From the death of a British subject, having at the time of death his fixed place of abode within the Ottoman dominions, intestate, until administration granted, his personal property within those dominions shall be vested in the Judge of the Supreme Consular Court, as the personal property of an intestate in England is vested in the Judge of Her Majesty's Court of Probate there.

Penalty on administering without probate.

If any person, other than one of Her Majesty's Consular officers, takes possession of and in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased, or within one month after the termination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased) he shall be liable to such penalty, not exceeding 100*l.* sterling, as the Court having jurisdiction in the matter of the property of the deceased may think fit to impose.

Trial with a Jury.

Cases for trial with jury.

40. Where a suit instituted in the Supreme Consular Court, or in a Provincial Consular Court held before a resident Legal Vice-Consul, relates to money, goods, or other property, or any civil right, or other matter at issue of the amount or value of 50*l.* sterling, or upwards,—or is brought for recovery of damages of the amount of 50*l.* sterling, or upwards,—the suit shall, on the demand of either party, be tried with a jury.

In any case (except where, according to the Rules of the Court, the suit is to be heard and determined in a summary way) a suit so instituted may be tried with a jury, if the Court, of its own motion or on the application of either party, thinks fit so to order.

One of Her Majesty's Principal Secretaries of State may, by order under his hand, extend the present provision to any Provincial Consular Court not held before a resident Legal Vice-Consul, where it appears to him a sufficient jury list can be obtained.

Trial with Assessors.

Provincial Consular Court without Legal Vice-Consul,—cases for Assessors

41. Where a suit instituted in a Provincial Consular Court not held before a resident Legal Vice-Consul relates to money, goods, or other property of a less amount or value than 300*l.* sterling,—or does not relate to or involve, directly or indirectly, a question respecting any civil right or other matter at issue of the amount or value of 300*l.* sterling or upwards,—or is brought for recovery of damages of a less amount than 300*l.* sterling,—the Court may hear and determine the case without Assessors.

In all other cases the Court shall hear and determine the case with Assessors.

3.—*In Criminal Matters.*

Power of apprehension over British subjects.

42. Every Consular Court shall have authority to cause to be apprehended and brought before it any British subject being within the district of the Court, and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel within those dominions, and to deal with the accused according to the jurisdiction of the Court, and in conformity with the provisions of this Order; or where the crime or offence is triable, and is to be tried, in England, to take the

preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

Accused escaping to another district.

43. Where a person charged with a crime or offence escapes or removes from the Consular district within which the crime or offence was committed and is found within another Consular district, the Consular Court within the district of which he is found may proceed in the case to examination, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own district; or may, on the requisition or with the consent of the Court of the district within which the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be so sent in custody a warrant shall be issued by the Court within the district of which he is found, and such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up to the Court of the district within which the crime or offence was committed, according to the warrant.

Backing of Maltese warrant.

44. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a British subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to a Consular Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, and also to any constable or other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court by which the order or warrant is backed has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

Sending of prisoner to Malta for trial.

45. Malta shall be (under "The Foreign Jurisdiction Act," section 4) the British Colony to which any person may be sent for trial who is charged with the commission of any crime or offence the cognizance whereof appertains to a Consular Court in the Ottoman dominions, where it is expedient that the crime or offence should be inquired of, tried, determined, and punished within Her Majesty's dominions.

The Judge of the Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause the accused to be sent for trial to Malta accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and carry him to and deliver him up at Malta, according to the warrant.

Where any person is to be sent to Malta the Consular Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as may be British subjects in their own recognizances to appear and give evidence on the trial.

Encouragement of reconciliation.

46. A Consular Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or any other offence not amounting to felony and being of a private or personal character, on terms of payment of compensation or other terms that may seem reasonable or expedient, and may thereupon order the proceedings to be stayed.

Supreme Consular Court,— Jury;

47. All crimes which in England are capital shall be tried by the Judge of the Supreme Consular Court with a jury.

Other crimes and offences above the degree of a misdemeanour, tried before the Judge or any officer of the Supreme Consular Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence tried before the Judge or any Officer of the Supreme Consular Court may be tried with a jury where the Judge or other officer so directs.

Summary jurisdiction;

Subject to the foregoing provisions, such classes of criminal cases within the original jurisdiction (ordinary or concurrent) of the Supreme Consular Court as the Judge, having regard to the law and practice existing in England, may from time to time direct, shall be heard and determined in a summary way.

And extent of punishment.

48. The Supreme Consular Court may impose the punishment of imprisonment for any term not exceeding twenty years, with or without hard labour, and with or without a fine not exceeding 500*l.* sterling, or the punishment of a fine alone not exceeding 500*l.* sterling.

Murder.

49. Where any person is convicted of murder, the proper officer of the Court, under the direction of the Judge, shall, in open court) require

Recording of judgment of death.

the offender to state if he has anything to say why judgment of death should not be recorded against him. If such offender does not allege anything that would be sufficient in law to prevent such judgment if the offence had been committed and the trial had been had in England, the Court may order such judgment to be entered on record.

Thereupon the proper officer shall enter judgment of death on record against such offender, as if judgment of death had been actually pronounced against him in open Court by the Court.

Actual punishment.

The Judge of the Supreme Consular Court shall forthwith send a report of every such judgment, with a copy of the minutes of proceedings and notes of evidence and any observations he may think fit to make, to one of Her Majesty's Principal Secretaries of State, for his direction as to the punishment to be actually imposed, such actual punishment not to exceed the measure of imprisonment and fine mentioned in Article 48.

Provincial Consular Court with Legal Vice-Consul,— Jury;

50. Where a Provincial Consular Court is held before a resident Legal Vice-Consul, crimes and offences above the degree of misdemeanour, tried before the Court, and not heard and determined in a summary way, shall be tried with a jury.

Any crime or offence may be tried with a jury where the Court so directs.

Summary jurisdiction;

Subject to the foregoing provisions, such classes of criminal cases as the Judge of the Supreme Consular Court, with the advice and assistance of the resident Legal Vice-Consul, having regard to the law and practice existing in England, may from time to time direct, shall be heard and determined in a summary way.

And extent of punishment.

51. A Provincial Consular Court held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 100*l.* sterling, or the punishment of a fine alone not exceeding 100*l.* sterling.

Provincial Consular Court without Legal Vice-Consul,— Assessors;

52. Where the crime or offence with which any person is charged before a Provincial Consular Court, not held before a resident Legal Vice-Consul, is any crime or offence other than assault endangering life, cutting, maiming, arson, or housebreaking, and appears to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three months, or by a fine of not more than 25*l.* sterling, the Court shall hear and determine the case in a summary way without Assessors.

In other cases the Court shall hear and determine the case on indictment and with Assessors.

And extent of punishment.

53. A Provincial Consular Court not held before a resident Legal Vice-Consul may impose the punishment of imprisonment for any term not exceeding twelve months, with or without hard labour, and with or without a fine of 50*l.* sterling, or the punishment of a fine alone not exceeding 50*l.* sterling.

Reservation of case by Provincial for Supreme Consular Court.

54. Where the crime or offence with which any person is charged before a Provincial Consular Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England or Malta, the Court shall reserve the case to be heard and determined by or under the special authority of the Supreme Consular Court.

The Provincial Consular Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Supreme Consular Court.

The Supreme Consular Court shall direct in what mode and where the case shall be heard and determined.

Punishments in England to be regarded.

55. The Supreme and every other Consular Court in imposing punishments shall have regard, as far as circumstances admit, and subject to the other provisions of this Order, to the punishments imposed by the law of England in like cases.

Payment of expenses by offender or prosecutor.

56. A Consular Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of his trial and imprisonment or other punishment.

Where it appears to the Court that a charge is malicious, or frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the prosecutor.

Mitigation or remission of punishment.

57. Where the circumstances of the case render it just or expedient, the Judge of the Supreme Consular Court may report to one of Her Majesty's Principal Secretaries of State recommending a mitigation or remission of any punishment awarded by the Supreme or any other Consular Court; and on such recommendation any such punishment may be mitigated or remitted.

But no such recommendation shall be made with respect to any punishment awarded by a Provincial Consular Court, except on the recommendation of that Court, or on the dissent of the Assessors or Assessor, if any, from the conviction or from the amount of punishment awarded.

Place of imprisonment in Ottoman dominions.

58. The Judge of the Supreme Consular Court may, where it seems expedient, by warrant under his hand and the seal of the Supreme Consular Court, cause any offender convicted before any Consular Court and sentenced to imprisonment, to be sent to and imprisoned at any such place in the Ottoman dominions, as one of Her Majesty's Principal Secretaries of State may from time to time approve.

Such warrant shall be sufficient authority to any person to whom it is directed, to receive and detain the person therein named and carry him to and deliver him up at such place, according to the warrant.

Execution of sentence in Malta.

59. Malta shall be (under the Foreign Jurisdiction Act, section 5) the British Colony to which any offender sentenced to suffer imprisonment in respect of any crime or offence of which he is convicted before any Consular Court may be sent, where it is expedient that the sentence passed in the Ottoman dominions should be carried into effect within Her Majesty's dominions.

The Judge of the Supreme Consular Court may, where it appears so expedient, by warrant under his hand and seal and the seal of the Supreme Consular Court, cause such offender to be sent to Malta, in order that the sentence passed upon him may be there carried into effect accordingly.

Such warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and carry him to and deliver him up at Malta, according to the warrant.

Reports to Secretary of State

60. The Supreme Consular Court shall forthwith send to one of Her Majesty's Principal Secretaries of State a report of the sentence passed by the Judge or any officer of the Court in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court may think fit to make.

Every Provincial Consular Court shall forthwith send to the Supreme Consular Court a report of the sentence passed by it in every case not heard and determined in a summary way, with a copy of the minutes of proceedings and notes of evidence and any observations the Court may think fit to make. The Supreme Consular Court shall forthwith transmit the same, with any observations the Court may think fit to make, to one of Her Majesty's Principal Secretaries of State.

VI.—Deportation of Offenders.

Deportation from Ottoman dominions, in what cases.

61. (i.) Where it is shown on oath, to the satisfaction of a Consular Court, that there is reasonable ground to apprehend that any British subject in the Ottoman dominions is about to commit a breach of the public peace,—or that the acts or conduct of any such British subject are or is likely to produce or excite to a breach of the public peace,—the Court

may cause him to be brought before it and require him to give security to the satisfaction of the Court, to keep the peace, or for his future good behaviour, as the case may require:

(ii.) Where any British subject is convicted of any crime or offence before a Consular Court, or before a Court in the sentence of which one of Her Majesty's Consular Officers concurs, the Consular Court for the district in which he happens to be may require him to give security to the satisfaction of the Court for his future good behaviour.

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from the Ottoman dominions to such place as the Court may direct.

Place of deportation.

The Court shall not, however, without the consent of the person to be deported, direct the deportation of a native of Malta or of any of its dependencies to any place other than Malta,—or of a native of Gibraltar to any place other than Gibraltar,—or of a native of any part of Her Majesty's dominions other than Malta, its dependencies, or Gibraltar, to any place other than England.

A Provincial Consular Court shall forthwith report to the Supreme Consular Court any order of deportation made by it, and the grounds thereof. The Supreme Consular Court may reverse the order, or may confirm it with or without variation, and in case of confirmation shall direct it to be carried into effect.

The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

He shall, as soon as may be practicable (and in the case of a person convicted, either after execution of the sentence or while it is in course of execution), be embarked in custody under the warrant of the Supreme Consular Court on board one of Her Majesty's vessels of war, or, if there is no such vessel available, then on board any British or other fit vessel bound to the place of deportation.

The warrant of the Court shall be sufficient authority to the commander or master of such vessel of war, or other vessel, to receive and detain the person to be deported and carry him to and deliver him up at the place of deportation, according to the warrant.

Expenses.

The Supreme or other Consular Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as one of Her Majesty's Principal Secretaries of State may from time to time direct.

The Supreme Consular Court shall forthwith report to one of Her Majesty's Principal Secretaries of State any order of deportation made or confirmed by it and the grounds thereof, and shall also inform Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte of the same.

Punishment for returning.

If any person deported returns to the Ottoman dominions without the permission of one of Her Majesty's Principal Secretaries of State (which permission the Secretary of State may give) he shall be liable on conviction thereof to punishment (in the discretion of the Court before which he is convicted) by imprisonment for not more than one month, with or without hard labour, and with or without a fine of not more than 10*l.* sterling, or by a fine of not more than 20*l.* sterling alone, and also to be forthwith again deported in manner hereinbefore provided.

VII.—Registration of Residents and Others.

Annual registration of residents.

62. Every British subject resident in the Ottoman dominions,—being of the age of 21 years or upwards,—or being married, or a widower or widow, though under that age,—shall, in the year 1863, in the month of March, and in every subsequent year in the month of January, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides.

Registration of non-residents.

Every such British subject not so resident arriving at any place within the Ottoman dominions where a Consular Office is maintained, unless borne on the muster-roll of a British vessel there arriving, shall,

within one month after his or her arrival, register himself or herself in a register to be kept at the Consular office,—but so that no person shall be required to register himself or herself more than once in any year, reckoned from any first day of January.

Every such British subject shall on every such registration of himself or herself pay a fee of five shillings. Fee.

Any such British subject failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular officer, shall not be entitled to be recognized or protected as a British subject in the Ottoman dominions, and shall be liable to a fine of not more than forty shillings for each instance of such failure; in the case of a married woman (not living apart from her husband) such fine to be levied on her husband's property. Penalty.

The Consular Officer shall issue to every British subject so registered a certificate of registration under his hand and Consular seal. Certificate.

VIII.—Deaths of British Subjects Non-resident.

63. Where a British subject, not having at the time of death his fixed place of abode in the Ottoman dominions, dies in those dominions, the Consular Court within whose district he dies shall, where the circumstances of the case appear to the Court so to require, forthwith, on the death of the deceased, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep the property until it can be dealt with according to law. Taking possession of property of deceased.

IX.—Offences against Religion.

64. If any British subject is guilty of publicly deriding, mocking, or insulting any religion established or observed within the Ottoman dominions,—or of publicly offering any insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any such religion, or to the ministers or professors thereof,—or wilfully commits any act tending to bring any such religion, or its ceremonies, mode of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace,—he shall be liable (in the discretion of the Court) to imprisonment for not more than two years, with or without hard labour, and with or without a fine of not more than 100*l.* sterling, or to a fine of not more than 100*l.* sterling alone. Punishment in summary way for public insults to religion or religious institutions.

Notwithstanding anything in this Order, every charge against a British subject of having committed any such offence shall be heard and determined in a summary way, and any Provincial Consular Court shall have power to impose the punishment aforesaid.

Her Majesty's Consular Officers shall take such precautionary measures as may seem to them proper and expedient for the prevention of such offences.

X.—Foreigners. Foreign Tribunals.

65. Where a foreigner desires to institute or take any suit or proceeding of a civil nature against a British subject, or a British subject against a foreigner, the Supreme or other Consular Court, according to its respective jurisdiction, shall entertain the same, and shall hear and determine it, either by the Judge or proper Consular Officer sitting alone, or, if all parties desire, or the Court thinks fit to direct, a trial with a jury, then by such Judge or Officer with a jury, but in all other respects according to the ordinary course of the Court: Suits between British subjects and foreigners in Consular Courts.

Provided that the foreigner first obtains and files in the Court the consent, in writing, of the competent local authority on behalf of the Sublime Ottoman Porte, or of the Consul of his own nation (as the case may be), to his submitting, and does submit to the jurisdiction of the Court, and, if required, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide

by and perform such decision as may be given by the Supreme or other Consular Court originally or on appeal (as the case may require).

Compulsory attendance of British subjects before foreign tribunals.

66. Where it is shown to a Consular Court that the attendance of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Court or before a judicial officer of the Sublime Ottoman Porte, or in a Court or before a judicial officer in the Ottoman dominions of any State in amity with Her Majesty, the Consular Court may, in cases and under circumstances which would require the attendance of such British subject before one of Her Majesty's Consular Courts in the Ottoman dominions, and if it seems to the Consular Court just and expedient so to do, make an order for the attendance of such British subject in such Court, or before such judicial officer, and for such purpose as aforesaid,—but so that a Provincial Consular Court shall not have power to make an order for such attendance of a British subject at any place beyond the particular jurisdiction of the Court.

Any British subject, duly served with such an order and with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly, and not excusing his failure to the satisfaction of the Court making the order, shall be liable to a fine of not more than 100*l.* sterling, or to imprisonment for not more than one month, in the discretion of the Court.

XI.—Appeal to Supreme Consular Court.

1.—*In Civil Cases.*

Leave to appeal to be obtained.

67. Where any decision of a Provincial Consular Court, sitting with or without Assessors, is given in a civil case in respect of a sum or matter at issue of the amount or value of 50*l.* sterling or upwards—or determines, directly or indirectly, any claim or question respecting property or any civil right of the amount or value of 50*l.* sterling or upwards—any party aggrieved by the decision may apply to the Provincial Consular Court for leave to appeal to the Supreme Consular Court, and shall be entitled to leave on the terms prescribed by the Rules made under this Order, and subject to such restrictions and exceptions as may be therein contained.

In any other case the Provincial Consular Court may, if it seems just and expedient, give leave to appeal on like terms.

In any case the Supreme Consular Court may give leave to appeal on such terms as may seem just.

2.—*In Criminal Cases.*

On conviction on indictment, question of law may be reserved.

68. Where any person is convicted otherwise that in a summary way of a crime or offence, the Court or Consular Officer before whom he is tried may reserve for the consideration of the Supreme Consular Court any question of law arising on the trial.

The Court or Officer shall then state a special case setting out the question reserved, with the facts and circumstances on which it arose, and shall send the case to the Supreme Consular Court.

On summary conviction, appeal on point of law to lie.

69. Where any person is convicted in a summary way of a crime or offence, and is dissatisfied with the conviction as being erroneous in point of law, the Court or Consular Officer before whom he is tried shall, on his application, unless the application appears merely frivolous, in which case the Court or Officer may refuse the application, state a special case setting out the facts and the grounds of the conviction for the opinion of the Supreme Consular Court, and send it to that Court.

Postponement of judgment or execution.

70. In any such case the Court or Consular Officer shall, as may seem fit, either postpone judgment on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, or take proper security for him to appear and receive judgment, or to render himself in execution (as the case may require) at an appointed time and place.

Authority of Supreme Consular Court

71. The Supreme Consular Court shall hear and finally determine the matter, and thereupon shall reverse, affirm, or amend any judgment given at the trial; or set aside such a judgment, and order an entry to be made in the Minutes of proceedings that in the judgment of the Supreme

Consular Court the person ought not to have been convicted; or arrest the judgment; or order judgment to be given at a subsequent sitting of the Court or Officer by whom the case is stated; or make such other order as justice may require; and shall also give all necessary and proper consequential directions.

Proceedings to be public.

72. The judgment of the Supreme Consular Court shall be delivered in open Court after the public hearing of any argument offered on behalf of the prosecution or of the person convicted.

Amendment of case.

73. Before delivering judgment, the Supreme Consular Court may, if necessary, cause the special case to be amended by the Court or Consular Officer by whom it was stated.

XII.—Appeal to Her Majesty in Council.

Appeal from Supreme Consular Court in civil cases involving 500*l.* or upwards.

74. Where any decision of the Supreme Consular Court is given in a civil case in respect of a sum or matter at issue of the amount or value of 500*l.* sterling or upwards, or determines directly or indirectly any claim or question respecting property or any civil right of the amount or value of 500*l.* sterling or upwards, any party aggrieved by the decision may, within fifteen days after the same is given, apply by motion to the Supreme Consular Court for leave to appeal to Her Majesty in Council.

If leave to appeal is applied for by a party adjudged to pay money or perform a duty, the Supreme Consular Court shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended, pending the appeal, as the Court may consider to be consistent with real and substantial justice.

If the Court directs the decision to be carried into execution, the party in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for the due performance of such Order as Her Majesty in Council may think fit to make.

If the Court directs the execution of the decision to be suspended pending the appeal, the party against whom the decision is given shall, before any order for suspension of execution, give security to the satisfaction of the Court for the due performance of such order as Her Majesty in Council may think fit to make.

In all cases security shall also be given by the appellant to the satisfaction of the Court to an amount not exceeding 500*l.* sterling for the prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

If the last-mentioned security is given within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Consular Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for the time being in force respecting appeals to Her Majesty in Council from her Colonies, or such other rules as Her Majesty in Council may from time to time think fit to make concerning appeals from the Supreme Consular Court.

In any case other than the cases hereinbefore described, the Supreme Consular Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

This Order shall not affect the right of Her Majesty at any time, on the humble petition of a party aggrieved by a decision of the Supreme Consular Court, to admit his appeal thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

XIII.—Rules.

Rules to be framed by Judge of Supreme Consular Court.

75. The Judge of the Supreme Consular Court may, notwithstanding anything herein contained, at any time after the making of this Order, and from time to time, frame rules for the effectual execution of this Order, and for the observance of the Capitulations, Articles of Peace, and Treaties between Her Majesty and the Sublime Ottoman Porte, and for the maintenance of order among British subjects in the Ottoman dominions, and

may thereby impose reasonable penalties; and also rules for the regulation of procedure and pleading, forms of writs, and other proceedings, expenses of witnesses and prosecutions, costs and fees, in civil and criminal cases, in the Supreme Consular Court and other Consular Courts, and the regulation of appeals to the Supreme Consular Court from the other Consular Courts.

The rules affecting the conduct of civil suits shall be so framed as to secure, as far as may be, that cases shall be decided on their merits according to substantial justice without excessive regard to technicalities of pleading or procedure and without unnecessary delay.

No rules shall take effect unless and until approved by one of Her Majesty's Principal Secretaries of State.

A copy of the rules for the time being in force shall be exhibited in some conspicuous place in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court shall from time to time direct.

No penalty shall be enforced in any Court for the breach of any rule until the rule has been so exhibited in the Court for one month.

For the purpose of convicting any person committing a breach of any rule, and for all other purposes of law, a printed copy of the rule, purporting to be certified under the hand of the Judge of the Supreme Consular Court and the seal of the Court, or under the hand and Consular seal of one of Her Majesty's Consular Officers, shall be taken as conclusive evidence of the same, and no proof of the handwriting or seal purporting to certify the same shall be required.

XIV.—Miscellaneous Provisions.

Minutes of proceedings.

76. In every case, civil or criminal, heard in a Consular Court, proper minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Consular Officer before whom the proceedings are taken, and sealed with the seal of the Court, and shall, where Assessors are present, be open for their inspection and for their signature if concurred in by them.

The minutes, with depositions of witnesses and notes of evidence taken at the trial by the Judge or Consular Officer, shall be preserved in the public office of the Court.

Costs in civil cases.

77. In a civil case a Consular Court may order such costs, or costs, charges, and expenses, as to the Court seem reasonable, to be paid by any party to the proceeding, or out of any fund to which the proceeding relates.

Witnesses; British subjects.

78. A Consular Court, either of its own motion, or, in civil cases, on the application of any party to any suit or proceeding or reference, may summon as a witness any British subject in the Ottoman dominions,—but so that a Provincial Consular Court shall have power so to summon British subjects in its own district only.

Any British subject, duly served with a summons and with reasonable notice of the time and place at which his attendance is required, failing to attend accordingly and not excusing his failure to the satisfaction of the Court, shall, over and above any other liability to which he may be subject, be liable to a fine of not more than 100*l.* sterling, or to imprisonment for not more than one month, in the discretion of the Court.

Expenses of witnesses in civil cases.

79. In civil cases a Consular Court may, where the circumstances appear to justify it, order that the expenses of a witness, on his appearing to give evidence, shall be defrayed by the parties or any of them.

Examination on oath.

80. Any person appearing before a Consular Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath in such form or with such ceremony as he may declare to be binding on his conscience.

Perjury.

81. Any British subject wilfully giving false evidence in any suit or proceeding, civil or criminal, or on any reference, shall be liable to the penalties attaching to wilful and corrupt perjury.

Enforcing payment of costs, penalties, and other moneys.

82. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all

fees, fines, forfeitures, and pecuniary penalties payable under this Order may be levied by distress and seizure and sale of ships, goods, and lands; and no bill of sale, or mortgage, or transfer of property, made with a view to security in regard to crimes or offences committed, or to be committed, shall be of any avail to defeat the provisions of this Order.

Application of fees, and other moneys.

83. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consular service in the Ottoman dominions.

Publication of Order.

84. A copy of this Order shall be exhibited in each Consular Court and Consulate in the Ottoman dominions. Printed copies shall be provided and sold at such reasonable price as the Judge of the Supreme Consular Court shall direct.

Suits for things done under Order.

85. Any suit or proceeding shall not be commenced in a Consular Court against any person for anything done or omitted under this Order, or any Rule made under it, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or in case of a continuation of damage within three months next after the doing of such damage has ceased.

The plaintiff in any such suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made the defendant may, by leave of the Court, at any time pay into the Court such sum of money as he may think fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary suit.

XV.—Joint Jurisdiction.

Consular Officers exclusively to act in cases of joint jurisdiction.

86. In any case in the decision of which, under the Capitulations, Articles of Peace, and Treaties with the Sublime Ottoman Porte, any of Her Majesty's Consuls may or ought to concur, the Judge of the Supreme Consular Court, or a Consular Officer exercising jurisdiction under this Order, shall exclusively act on the part and on behalf of Her Majesty.

And the Right Honourable the Earl Russell and the Most Noble the Duke of Newcastle, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

(Signed) EDMUND HARRISON.

No. 2.

Rules of Her Britannic Majesty's Supreme Consular Court and other Consular Courts in the Dominions of the Sublime Ottoman Porte.

(Framed under the Order of Her Majesty in Council of the 9th day of January, 1863, by the Judge of Her Majesty's Supreme Consular Court, and approved by one of Her Majesty's Principal Secretaries of State.)

Dated the 23rd day of January, 1863.

I.—Decision of Questions without Formal Suit.

Questions of Fact.

In what cases this proceeding applicable.

1. Where the parties between whom a suit might be instituted are agreed as to any question of fact to be determined between them, they may, by consent and by order of the Supreme or other Consular Court on summons, which order the Court may make on being satisfied that the parties have a *bonâ fide* interest in the determination of such question, and that the same is fit to be tried, proceed to the trial of any question of fact without any petition presented or other pleading.

Issue.

2. Such question may be stated for trial in an issue (Form 1), and such issue may be set down for trial, and tried accordingly, as if the question stated were to be determined at the hearing of an ordinary suit.

Money payment.

3. The parties may, if they think fit, enter into an agreement in writing, which shall be embodied in an order of the Court, that upon th finding of the Court in the affirmative or negative of such issue, a sum of money, fixed in the agreement, or to be ascertained by the Court upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other, with or without any costs.

Upon the finding of the Court in any such issue, a decree may be entered for such sum as shall be so agreed or ascertained, with or without costs, as the case may be.

Costs.

4. Where no agreement is entered into as to costs, the costs of the whole proceedings shall be in the discretion of the Court.

Effect of decree.

5. The issue and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a contested suit.

Questions of Law.

In what cases.

6. Where the parties between whom a suit might be instituted are agreed as to any question of law to be determined between them, they may by consent and by order of the Supreme or other Consular Court on summons, which order the Court may make on being satisfied that the parties have a *bonâ fide* interest in the determination of such question, and that the same is fit to be determined, state any question of law in a special case for the opinion of the Supreme Consular Court, without any petition presented or other pleading.

Special case for Supreme Consular Court.

Where the case is stated under order of a Provincial Consular Court, the Court shall send the case to the Supreme Consular Court; and the Supreme Consular Court may direct the case to be restated or to be amended, or may refuse to determine the same if the facts are not sufficiently stated, or if the question thereon is not properly raised, or if the parties cannot agree on any amended case, and may draw inferences of fact from the facts stated in the case.

Money payment.

7. The parties may, if they think fit, enter into an agreement in writing, which shall be embodied in the order for stating the special case, or in some subsequent order, that upon the judgment of the Supreme Consular Court being given in the affirmative or negative of the question of law raised by the special case, a sum of money, fixed in the agreement, or to be ascertained by the Supreme Consular Court, or in such manner as it may direct, shall be paid by one of the parties to the other, with or without any costs.

On the judgment of the Supreme Consular Court, a decree of the Supreme Consular Court, or of the Provincial Consular Court under whose order the case was stated (as the case may be), may be entered for such sum as shall be so agreed or ascertained, with or without costs, as the case may be.

Costs.

8. Where no agreement is entered into as to costs, the costs of the whole proceedings shall be in the discretion of the Supreme Consular Court.

Decree.

9. The special case and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a contested suit.

II.—Summary Procedure for Claims under 20*l.*

In what cases.

10. Where the claim which any person desires to enforce by proceedings in the Court relates to money, goods, or other property, or any civil right or other matter at issue, of a less amount or value than 20*l.* sterling, —or is for the recovery of damages of a less amount than 20*l.* sterling,— proceedings shall be commenced by summons (Form 2), and the suit shall be heard and determined in a summary way.

Course of procedure.

11. The summons shall issue without application in writing.

It shall be addressed to the defendant or defendants against whom the claim is made.

It shall state briefly and clearly the nature and particulars of the claim and the amount sought to be recovered.

It shall be served on the defendant or defendants within the time and in the manner directed by the Court.

A defendant shall not be bound to attend personally to answer the summons unless required expressly by the summons so to do, but he must attend personally if summoned as a witness.

The provisions of these Rules, relative to suits for sums of 20*l.* and upwards, shall be applicable, *mutatis mutandis*, to suits for sums of less than 20*l.*, and shall be so applied accordingly (except so far as the Court may, in any case for the avoiding of delay and the furtherance of substantial justice, think fit otherwise to direct), and particularly as to the matters following:—

The service of summonses, notices, and orders.

The summoning of witnesses.

The taking of evidence.

The postponement or adjournment of the hearing.

The allowance of costs.

The contents and effect of orders and the enforcement thereof.

The recording of the proceedings.

The mode of appeal.

Power of Court to direct a petition.

12. Where, either on the application for a summons, or before or at the hearing thereof, it appears to the Court (for reasons to be recorded in the Minutes of Proceedings) that the nature and circumstances of the case render it unjust or inexpedient to hear and determine the claim in a summary way, the Court may direct proceedings to be taken and carried on by petition as in suits for sums of 20*l.* and upwards.

III.—Summary Procedure for Administration of Property of deceased Persons.

In what cases.

13. Any person claiming to be a creditor or a legatee, or the next of kin, or one of the next of kin, of a deceased person, may apply for and obtain, as of course, without petition filed or other preliminary proceeding, a summons from the Court (Form 3), requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.

Order.

14. On proof of due service of the summons or on the appearance of the executor or administrator in person or by counsel or attorney, and on proof of all such other things (if any) as the Court may require, the Court may, if in its discretion it thinks fit so to do, make an immediate order for the administration of the property of the deceased, and the order so made shall have the force of a Decree to the like effect made on the hearing of a cause between the same parties.

The Court shall have full discretionary power to make or refuse such order, or to give any special directions respecting the carriage or execution of it, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court may think fit.

If the Court thinks fit, the carriage of the order may subsequently be given to such person, and on such terms, as the Court may direct.

Custody of property.

15. On making such an order, or at any time afterwards, the Court may, if it thinks fit, make any such further or other order as may seem expedient for compelling the executor or administrator to bring into Court for safe custody, all or any part of the money, or securities, or other property of the deceased from time to time coming to the hands of the executor or administrator, or make such other order as may seem expedient for the safe keeping of the property of the deceased, or any part thereof, until it can be duly administered under the direction of the Court for the benefit of all persons interested.

Proceedings *ex officio*.

16. If the extreme urgency or other peculiar circumstances of any case appear to the Court so to require, the Court may issue such a summons, and make such an order or such orders, and may cause proper proceedings to be taken thereon, of its own motion *ex officio*, or on the

information of any officer of the Court, and without any such applicat on by a creditor or legatee, the next of kin, or one of the next of kin, as is before mentioned.

Minute of reasons. 17. The reasons of the Court for making any order under the present provisions shall be recorded in the Minutes of Proceedings.

IV.—Summary Procedure on Bills of Exchange and Promissory Notes.

In what cases. 18. Suits on bills of exchange or promissory notes, instituted within six months after the same become due and payable, may be commenced by summons (Form 4), and may be heard and determined in a summary way as hereinafter is provided.

Leave to defend, when. 12. The Court shall, on application within seven days from the service of the summons, give the defendant leave to defend the suit on his paying into Court the sum indorsed, or on evidence on oath showing to the satisfaction of the Court a good legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security and other things as to the Court may seem fit; and in that case the Court may direct proceedings to be taken and carried on by petition in the ordinary way.

Decree. 20. If the defendant does not so obtain leave to defend, the plaintiff, on proof of due service of the summons, shall be entitled as of course at any time after the expiration of such seven days to an immediate absolute decree for any sum not exceeding the sum indorsed on the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the Court in the decree.

Proceedings after decree. 21. After decree the Court may, under special circumstances, set aside the decree, and may, if necessary, set aside execution, and may give leave to defend the suit if it appears to the Court reasonable so to do, and on such terms as to the Court may seem just, the reasons for any such order being recorded in the minutes of proceedings.

Deposit of bill. 22. In any proceedings under the present provisions it shall be competent to the Court to order the bill or note sought to be proceeded on to

Security for costs. be forthwith deposited in the Court, and further to order that all proceedings be stayed until the plaintiff gives security for costs.

Holder's expenses. 23. The holder of a dishonoured bill or note shall have the same remedies for the recovery of the expenses incurred in the noting of the same for non-acceptance or non-payment, or incurred otherwise by reason of the dishonour, as he has under the present provisions for recovery of the amount of the bill or note.

One summons against all or any of the parties. 24. The holder of a bill or note may, if he thinks fit, obtain one summons under the present provisions against all or any of the parties to the bill or note, and such summons shall be the commencement of a suit or suits against the parties therein named respectively, and all subsequent proceedings against such respective parties shall be carried on, as far as may be, as if separate summonses had issued.

But the summons or its indorsement must set forth the claims against the parties respectively, according to their respective alleged liabilities, with sufficient precision and certainty to enable each defendant to set up any defence on which he individually may desire to rely.

Appeal. 25. An appeal does not lie in respect of any decision, decree, or order given or made in any such suit.

V.—Suits for Sums of 20*l.* and upwards.

Petition.

In what cases. 26. Subject to the foregoing provisions, where the claim which any person desires to enforce by proceedings in the Court relates to money, goods, or other property of the amount or value of 20*l.* sterling or upwards,—or relates to or involves directly or indirectly a question respecting any civil right or other matter at issue, of the amount or value of 20*l.* sterling or upwards,—or is for the recovery of damages of the

amount of 20*l.* sterling or upwards,—proceedings shall be commenced by the filing of a petition (Form 5).

27. The petition shall contain a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, each paragraph containing, as nearly as may be, a separate and distinct statement or allegation, and shall pray specifically for the relief to which the plaintiff may conceive himself entitled, and also for general relief. Contents of petition.

The petition must be as brief as may be consistent with a clear statement of the facts on which the prayer is sought to be supported, and with information to the defendant of the nature of the claim set up.

Documents must not be unnecessarily set out in the petition *in hæc verba*, but so much only of them as is pertinent and material may be set out, or the effect and substance of so much only of them as is pertinent and material may be given, without needless prolixity.

Dates and sums shall be expressed in figures and not in words.

The petition may not contain any statement of the mere evidence by which the facts alleged are intended to be proved, and may not contain any argument of law.

The facts material to the establishment of the plaintiff's right to recover shall be alleged positively, briefly, and as clearly as may be, so as to enable the defendant by his answer either to admit or deny any one or more of the material allegations, or else to admit the truth of any or all of the allegations, but to set forth some other substantive matter in his answer, by reason of which he intends to contend that the right of the plaintiff to recover or to any relief capable of being granted on the petition has not yet accrued or is released or barred or otherwise gone.

Particulars of Demand.

28. Where the plaintiff's claim is for money payable in respect of any contract expressed or implied, or to recover the possession or the value of any goods wrongfully taken and detained or wrongfully detained by the defendant from the plaintiff, it shall be sufficient for the plaintiff to state his claim in the petition in a general form, and to annex to the petition a schedule stating the particulars of his demand, in any form which shall give the defendant reasonably sufficient information as to the details of the claim. In what cases.

An application for further or better particulars may be made by the defendant before answer, on summons.

The plaintiff shall not at the hearing obtain a decree for any sum exceeding that stated in the particulars, except for subsequent interest and the costs of suit, notwithstanding that the sum claimed in the petition for debt or damages may exceed the sum stated in the particulars. Effect of particulars.

Particulars of demand shall not be amended except by leave of the Court; and the Court may, on any application for leave to amend, grant the same on its appearing that the defendant will not be prejudiced by amendment. Otherwise the Court may refuse leave or grant the same on such terms as to notice, postponement of trial, or cost, as justice may require. Amendment.

Any variance between the items contained in the particulars and the items proved at the hearing may be amended at the hearing either at once or on such terms as to notice, adjournment, or costs, as justice may require. Variance.

Where particulars are amended by leave of the Court or where further or better particulars are ordered to be given, the order shall state the time within which the amendment is to be made or the further or better particulars are to be given, and the order for service of the amended or further or better particulars shall state the time which the defendant is to have to put in his answer. Time.

Papers annexed.

29. Where the plaintiff seeks (in addition to or without any order for the payment of money by the defendant) to obtain, as against any person, In what cases.

any general or special declaration by the Court of his rights under any contract or instrument,—or to set aside any contract,—or to have any bond, bill, note, or instrument in writing delivered up to be cancelled,—or to restrain any defendant by injunction,—or to have any account taken between himself and any other or others, and in such other cases as the nature of the circumstances may render it necessary or expedient,—the plaintiff in his petition may refer to and briefly describe any papers or documents on the contents of which he intends to rely, and may annex copies of such papers or documents to the petition, where such papers or documents are brief, or may state any reason for not annexing copies of such papers or documents, or any of them respectively (as, their length, possession of copies by the defendant, loss, inability to procure copies,) that he may have to allege. The plaintiff shall, in his petition, offer to allow the defendant to inspect such papers and documents as aforesaid, or such of them as are in his possession or power.

Inspection.

Amendment.

On application of defendant.

30. Any plaintiff not giving sufficient information to enable the defendant reasonably to understand the nature and particulars of the claim set up against him may be ordered, on the application of the defendant before answer, to amend his petition.

The plaintiff may be ordered to annex copies of, or produce for inspection, such papers or documents in his possession or power as he has referred to in the petition, and as the defendant is entitled to inspect for the purposes of the suit.

Costs.

The Court may in such cases make such order as to costs as justice may require, and stay proceedings until the order is complied with.

Libellous or offensive expressions.

31. If any petition contains libellous or needlessly offensive expressions, the Court may, either of its own motion before service thereof, or on the application of the defendant, order the petition to be amended, and make such order as to costs as the case may require.

Amendment on application of plaintiff.

32. A petition may be amended at any time before answer by the leave of the Court, obtained on an *ex parte* application.

Notice of the amendment shall be given to the defendant within such time and in such manner as the Court may direct.

Equity.

Effect of petition.

33. Every petition is to be taken to imply an offer to do equity in the matter of the suit commenced by it, and to admit of any equitable defence, and, on the other hand, to enable the plaintiff to obtain at the hearing any such equitable relief as he may appear entitled to from the facts stated and proved, though not specifically asked, if it may be granted without hardship to the defendant.

Parties.

Suit on behalf of others.

34. Persons entitled to sue and suing on behalf of others, as guardians, executors, or administrators, or on behalf of themselves and others, as creditors in a suit for administration, must state the character in which they sue.

Joint cause of suit.

35. All persons having a joint cause of suit against any defendant ought ordinarily to be parties to the suit.

Joint and several demand.

36. Where the plaintiff has a joint and several demand against several persons, either as principals or as sureties, it is not necessary for him to bring before the Court as parties to a suit concerning such demand all the persons liable thereto, but he may proceed against one or more of the persons severally liable.

Non-joinder or mis-joinder.

37. If it appears before or at the hearing that any person not joined as plaintiff or as defendant ought to be so joined, or that any person joined as plaintiff or as defendant ought not be so joined, the Court may order the petition to be amended, with liberty to amend the other pleadings (if any), and upon such terms as to time for answering, postponement, or adjournment of hearing, and costs, as justice may require.

But no person shall be so joined as plaintiff without satisfactory evidence to the Court of his consent thereto.

Nor shall the name of any plaintiff be struck out unless it appears to the satisfaction of the Court either that he was originally joined as plaintiff without his consent, or that he consents to his name being struck out.

Defendant sued as agent.

38. Where a plaintiff sues any person as agent for some other person, not seeking to fix such agent with any personal liability, the Court, on the fact coming to its knowledge, shall, if the person really sought to be fixed with liability is within the particular jurisdiction, forthwith order his name to be substituted, and stay proceedings until the order is complied with. But if he is not within the particular jurisdiction, shall refuse to proceed further in the matter, unless and until the person sued as agent undertakes, by writing under his hand, to defend the suit, and personally to satisfy any decree or order for debt or damages and costs therein.

In the latter case the person sued as agent shall further, within such time as the Court orders, and before the hearing of the suit, procure and file with the proceedings a sufficient authority in writing from the party on whose behalf such agent is affecting to act, to substitute the name of the principal as defendant for his own, and to defend the suit, or otherwise act in it on behalf of such principal.

Such agent shall not, however, be deemed discharged by such authority and substitution from his personal undertaking and liability to satisfy any decree or order in the suit, such authority and substitution being in all cases strictly required as a protection against collusive decrees which might affect absent persons.

Distinct causes of suit in one petition.

39. In case a petition states two or more distinct causes of suit, by and against the same parties, and in the same rights, the Court may, either before or at the hearing, if it appears inexpedient to try the different causes of suit together, order that different records be made up, and make such order as to adjournment and costs as justice may require.

In case a petition states two or more distinct causes of suit, but not by and against the same parties, or by and against the same parties, but not in the same rights, the petition may, on the application of any defendant, be dismissed.

In case such application is made within the time for answer, the petition may be dismissed, with substantial costs from the plaintiff to the defendant making the application; but in case the application is not made within the time for answer, the petition, when the defect is brought to the notice of the Court, may be dismissed without costs, or on payment of Court fees only, as to the Court may seem just.

Defective Petition.

Staying proceedings.

40. Where a petition is defective on the face of it by reason of non-compliance with these provisions, the Court may, either on application by a defendant or of its own motion, make an order to stay proceedings until the defect is remedied.

The Court shall, of its own motion, make an order to stay proceedings on a defective petition, where the defect is patent, and in contravention of the spirit of these provisions, and comes to the knowledge of the Court before service of the petition on the defendant.

Copies for Service.

Number of copies.

41. Where there is only one defendant, one copy of the petition, and of any schedule thereto, for service, is to be left with the Court, together with the original. Where there are two or more defendants, as many copies as there are parties to be served are to be left, together with the original.

Service of Petition.

Order for service.

42. On filing his petition the plaintiff must obtain an order for service of it on the defendant.

Every order for service shall specify a reasonable time after service ordinarily not more than eight days, within which the defendant must put in his answer.

Defence on Ground of Law.

Motion that petition be dismissed without any answer being required.

43. Where a defendant conceives that he has a good legal or equitable defence to the petition, so that even if the allegations of fact in the petition were admitted or clearly established, yet the plaintiff would not be entitled to any decree against him (the defendant), he may raise this defence by a motion that the petition be dismissed without any answer being required from him.

The motion-paper shall be filed within the time allowed for putting in an answer.

It must state briefly the grounds of law on which the defendant intends to rely at the hearing of the motion.

The motion shall be heard and disposed of at as early a time as may be.

For the purposes of the motion the defendant shall be taken to admit the truth of the allegations of fact in the petition, and no evidence as to matters of fact, or discussion of questions of fact, shall be admitted at the hearing of the motion.

Order.

On hearing the motion, the Court shall either dismiss the petition or order the defendant to put in an answer within a short time to be named in the order, and may give leave to the plaintiff to amend his petition if it appears requisite, and may impose such terms as justice may require.

Costs.

Where, on the hearing of the motion, any grounds of law are urged in support of the motion beyond those stated in the motion-paper, and the grounds stated therein are disallowed, the defendant shall be liable to pay the same costs as if the motion were wholly refused, although the grounds of law newly urged are allowed, unless the Court thinks fit in any case to order otherwise.

Answer.

Further time to answer.

44. The defendant may obtain further time for putting in his answer, on summons stating the further time required, and the reasons why it is required.

The application when made, unless consented to, must be supported by affidavit or by oral evidence on oath, showing that there is reasonable ground for the application, and that it is not made for the purpose of delay.

Effect of defendant not answering.

45. Where a defendant does not put in any answer, he shall not be taken as admitting the allegations of the petition, or the plaintiff's right to the relief sought, and at the hearing (even though such defendant does not appear) the plaintiff must open his case, and adduce evidence in support of it, and take such judgment as to the Court may appear just.

Leave to answer after time allowed.

46. A defendant neglecting to put in an answer within the time, or further time, allowed, shall not be at liberty to put in any answer without leave of the Court.

The Court may grant such leave by order, on the *ex parte* application of the defendant, at any time before the plaintiff has set down the cause or applied to have it set down for hearing.

Where the cause has been set down, or the plaintiff has applied to have it set down, for hearing, the Court shall not grant such leave except on return of a summons to the plaintiff giving notice of the defendant's application, and on such terms as to costs and other matters as may seem just.

Form and contents of answer.

47. The answer (Form 6) shall show the nature of the defendant's defence to the claim set up by the petition, but may not set forth the evidence by which such defence is intended to be supported.

It should be clear and precise, and not introduce matter irrelevant to the suit, and the rules before laid down respecting the setting out of docu-

ments and the contents of a petition generally, shall be observed in an answer, *mutatis mutandis*.

It must deny all such material allegations in the petition as the defendant intends to deny at the hearing.

Where the answer denies an allegation of fact, it must deny it directly and not by way of negative pregnant: as (for example) where it is alleged that the defendant has received a sum of money, the answer must deny that he has received that sum or any part thereof, or else set forth what part he has received. And so, where a matter of fact is alleged in the petition, with certain circumstances, the answer must not deny it literally as it is alleged, but must answer the point of substance positively and certainly.

The answer must specifically admit such material allegations in the petition as the defendant knows to be true or desires to be taken as admitted. Such admission, if plain and specific, will prevent the plaintiff from obtaining the cost of proving at the hearing any matters of fact so admitted.

All material allegations of fact admitted by a defendant shall be taken as established against him without proof thereof by the plaintiff at the hearing. But the plaintiff shall be bound to prove, as against each defendant, all allegations of fact not admitted by him, or not stated by him to be true to his belief.

The answer must allege any matter of fact not stated in the petition on which the defendant relies in defence,—as establishing, for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to recover, or to any relief capable of being granted on the petition, has not yet accrued, or is released or barred, or otherwise gone.

Effect of answer at hearing.

48. The answer of a defendant shall not debar him at the hearing from disproving any allegation of the petition not admitted by his answer, nor from giving evidence in support of a defence not expressly set up by the answer,—except where the defence is such as, in the opinion of the Court, ought to have been expressly set up by the answer,—or is inconsistent with the statements of the answer,—or is, in the opinion of the Court, likely to take the plaintiff by surprise, and to raise a fresh issue or fresh issues of fact or law not fairly arising out of the pleadings as they stand, and such as the plaintiff ought not to be then called upon to try.

Specific Answer.

Summons to compel.

49. Where the defendant does not answer, or puts in an answer amounting only to a general denial of the plaintiff's claim, the plaintiff may apply by summons for an order to compel him to answer specifically to the several material allegations in the petition, and the Court, if such allegations are briefly, positively, separately, and distinctly made, and it thinks that justice so requires, may grant such an order.

Nature of answer.

The defendant shall, within the time limited by such order, put in his answer accordingly, and shall therein answer the several material allegations in the petition, either admitting or denying the truth of such allegations *seriatim*, as the truth or falsehood of each is within his knowledge, or (as the case may be) stating as to any one or more of the allegations that he does not know whether such allegation or allegations is or are true or otherwise.

The defendant so answering may also set up by such answer any defence to the suit, and may explain away the effect of any admission therein made by any other allegation of facts.

Interrogatories.

In what cases.

50. Where an answer so put in fails substantially to comply with the terms of the order, by reason of any one or more of the material allegations not being either denied or admitted thereby, or not being met by a statement in the answer that the defendant does not know whether such allegation or allegations is or are true or otherwise, the plaintiff may apply to the Court to examine the defendant on written interrogatories, and the Court may, if it sees fit, examine the defendant accordingly on

written interrogatories, allowed by the Court, and embodying material allegations of the petition in an interrogative form, and may reduce the answers of the defendant to writing.

Such answers shall be taken for the purposes of the suit to be a part of the defendant's answer to the petition.

Oath.

Power of Court to require.

51. The Court may, where the circumstances of the case appear to require it, order the defendant to put in an answer on oath.

Tender.

Payment into Court.

52. A defence alleging tender by the defendant must be accompanied by the payment into Court of the amount alleged to have been tendered.

Set-off.

Particulars.

53. A defence of set-off to a claim for money, whether in debt or in damages, must be accompanied by a statement of particulars of set-off, and if pleaded as a sole defence, unless extending to the whole amount of the plaintiff's claim, must also be accompanied by a payment into Court of the amount to which, on the defendant's showing, the plaintiff is entitled, and in default of such payment the defendant shall be liable to bear the costs of the suit, even if he succeeds in his defence to the extent of the set-off pleaded.

Payment into Court.

Costs.

Cross suit.

Where a defendant in his answer raises a defence by way of set-off which, in the opinion of the Court, is not admissible as set-off, the Court may either before or at the hearing, on his application, give him liberty to withdraw such defence and to file a cross-petition, and may make such order for the hearing of the suit and cross-suit together or otherwise, on such terms as to costs and other matters, as it sees fit.

Payment into Court.

Answer.

54. Payment into Court by the defendant must be accompanied by an answer. The answer must state distinctly that the money paid in is paid in in satisfaction of the plaintiff's claim generally, or (as the case may be) in satisfaction of some specific part of the plaintiff's claim, where the claim is stated in the petition for distinct sums or in respect of distinct matters.

Effect.

Payment into Court, whether made in satisfaction of the plaintiff's claim generally or in satisfaction of some specific part thereof, operates as an admission of liability to the extent of the amount paid in and no more, and for no other purpose.

Acceptance by plaintiff.

Where the defendant pays money into Court the plaintiff shall be at liberty to accept the same in full satisfaction and discharge of the cause of suit in respect of which it is paid in; and in that case the plaintiff may forthwith apply by motion for payment of the money out of Court to him, and on the hearing of the motion the Court shall make such order as to stay of further proceedings in the suit in whole or in part, and as to costs and other matters, as may seem just.

Non-acceptance.

If the plaintiff does not so apply he shall be considered as insisting that he has sustained damages to a greater amount, or (as the case may be) that the defendant was and is indebted to him in a greater amount than the sum paid in; and in that case the Court, in determining the suit and disposing of costs at the hearing, shall have regard to the fact of the payment into Court having been made and not accepted.

Costs.

Equitable Defence.

Cross suit.

55. Where a defendant in his answer raises any defence of an equitable nature, and it appears to the Court that on such defence being established he may be entitled to any equitable relief against the plaintiff in respect of the subject-matter of the suit, the Court may, on the application of the defendant either before or at the hearing, give liberty to him to file a cross-petition asking for such relief, and may make such

order for the hearing of the suit and cross-suit together or otherwise, on such terms as to costs and other matters, as it sees fit.

Demande reconventionnelle.

Set-off; counter claim.

56. No defence by way of "demande reconventionnelle" will be allowed otherwise than as a defence of set-off, nor shall a defendant, raising by his answer a counter-claim by way of defence, be entitled to any decree of the Court in the suit in which he is defendant against the plaintiff for any sum of money other than his costs of the suit.

Proceedings after Answer.

No pleading after answer.

57. No replication or other pleading after answer is allowed, except by special leave of the Court.

Amendment of petition after answer.

58. Where the plaintiff considers the contents of the answer to be such as to render an amendment of the petition necessary or desirable, he may obtain *ex parte* an order to amend the petition, on satisfying the Court that the amendment is not intended for the purpose of delay or vexation, but because it is considered to be material for the plaintiff's case.

Notice of the amendment shall be given to the defendant within such time and in such manner as the Court may in each case direct.

Settlement of Issues.

Before or at hearing.

59. At any time before or at the hearing, the Court may, if it thinks fit, on the application of any party or of its own motion, proceed to ascertain and determine what are the material questions in controversy between the parties, although the same be not distinctly or properly raised by the pleadings, and may reduce such questions into writing and settle them in the form of issues, which issues, when settled, may state questions of law on admitted facts, or questions of disputed fact, or questions partly of the one kind and partly of the other.

Amendment of pleadings.

In settling issues the Court may order or allow the striking out or amendment of any pleading, or part of a pleading, so that the pleadings may finally correspond with the issues settled, and may order or allow the striking out or amendment of any pleading or part of a pleading which may appear to be so framed as to prejudice, embarrass, or delay the trial of the cause.

Application *vivâ voce*; on summons.

Where the application to the Court to settle issues is made at any stage of the proceedings at which all parties are actually present before the Court, either in person or by counsel or attorney, or at the hearing, the application may be made *vivâ voce*, and may be disposed of at once; otherwise the application must be made and disposed of on summons.

Reference of Account.

In what cases.

60. Where it appears to the Court at any time after it is instituted, that the matter in dispute consists either wholly or in part of matters of mere account, the Court may, according to the amount of public business pending, either decide such matter in a summary way, or order that it be referred, either wholly or in part, to some person agreed on by the parties, or, in case of their non-agreement, appointed by the Court.

The referee shall enter into the account and hear evidence and report on it to the Court, according to the order, and the Court, after hearing the parties, may adopt the conclusions of the report, either wholly or in part, or may direct a further report to be made by the referee, and may grant any necessary adjournment for that purpose.

Setting down of Cause for Hearing.

Order for setting down.

61. No cause can be set down for hearing without the order of the Court first obtained.

When plaintiff may apply.

62. At the expiration of the time allowed for answering, the plaintiff may apply *ex parte* for an order to set down the cause for hearing.

When and how far plaintiff to enter into evidence.

63. Where the defendant has put in an answer, the plaintiff must carefully consider the answer, and, if he finds that upon the answer alone there is sufficient ground for a final decree or order, he must proceed upon the answer, without entering into evidence preparatory to or at the hearing.

Or if it is needful to prove a particular point, he must not enter into evidence as to other points that are not necessary to be proved.

In the first case, if he enters into evidence at all, and in the second case, if he enters into evidence as to such other points, he renders himself liable to pay the costs thereof.

Order for setting down on application of defendant.

64. An order to set down the cause may be made on the application of the defendant by summons, if it appears to the Court, having regard to the state of the pleadings, that the cause is ready to be heard, and that there has been delay on the part of the plaintiff in obtaining an order for setting down the cause, for which the plaintiff has no reasonable excuse, (as the absence or illness of a material witness), and that the defendant is prejudiced or may reasonably be expected to be prejudiced by such delay.

Dismissal for want of Prosecution.

In what cases.

65. Where the plaintiff does not obtain an order for setting down the cause within three months from the time at which he might first apply for such an order, the defendant may apply by motion for an order to dismiss the petition for want of prosecution.

On such application, the Court may, if it thinks fit, make an order dismissing the petition, or make such other order or impose such terms as may appear just and reasonable.

Postponement of Hearing.

In what cases.

66. The Court may at any time on a summons by any party postpone the hearing of a cause set down, on being satisfied by evidence on oath that the postponement will have the effect of better ensuring the hearing and determination of the questions between the parties on the merits.

Where such an application is made on the ground of the absence of a witness, the Court shall require to be satisfied that his evidence is material and that he is likely to return and give evidence within a reasonable time.

Where such an application is made for the purpose of enabling the party applying to obtain the evidence of a witness resident out of the particular jurisdiction, the Court shall require to be satisfied that the evidence of the witness is material, and that he is likely to give evidence, and that he is permanently residing out of the jurisdiction, or does not intend to come within the jurisdiction within a reasonable time. The party making such application must also apply for an order for the examination of such witness out of the jurisdiction, or for leave to use an affidavit to be made by such witness as evidence at the hearing.

Hearing List and Hearing Paper.

To be kept.

67. There shall be kept a general hearing list for causes and a hearing paper.

Order of causes.

68. When a cause is set down for hearing it shall be placed in the general hearing list, and shall be transferred to the hearing paper strictly in its turn and order, according as the general hearing list becomes exhausted.

The regular order shall in no case be departed from without special direction.

Notice to parties.

69. When a cause is about to be transferred from the general hearing list to the hearing paper, notice shall be served on the parties (Form 7), and unless the Court in any particular case directs otherwise, ten days shall be allowed between service of such notice and the day of hearing.

Causes taken out of turn.

70. When any cause or matter has been specially directed by the Court to be heard on a particular day, or out of its ordinary turn, the

name of the cause or matter shall be placed in the hearing paper with the words "by order" subjoined.

71. In case of any adjournment of the hearing from the day named in the hearing paper by reason of the preceding causes in the hearing paper not having been got through, or under any order of the Court made during the sitting of that day, no further notice to either party of the adjournment day shall be requisite, and the adjournment day shall, unless otherwise ordered by the Court, be the next ordinary Court day. Adjournment.

Sittings of Court.

72. The sittings of the Court for the hearing of causes shall be, where the amount of public business so warrants, held on fixed and stated days. On what days.

The Court may, at its discretion, appoint any other day or days from time to time for the hearing of causes, as circumstances may require.

73. The sittings of the Court for the hearing of causes shall ordinarily be public, but the Court may, for a reason to be specified by it on the Minutes, hear any particular cause or matter in the presence only of the parties and their legal advisers and the officers of the Court. Publicity.

74. On the application of either party at the commencement of the proceedings, or of its own motion, the Court may order witnesses on both sides to be kept out of Court until they have respectively given their evidence; but this rule does not extend to the parties themselves, or to their respective legal advisers, although intended to be called as witnesses. Keeping witnesses out of Court.

75. Subject to special arrangements for any particular day, the business of the day shall be taken, as nearly as circumstances will permit, in the following order:— Order of business at sittings.

(i.) At the commencement of the sitting judgments shall be delivered in matters standing over for that purpose and appearing for judgment in the paper.

(ii.) *Ex parte* motions and motions by consent shall next be taken, in the order in which the motion papers have been sent in.

(iii.) Opposed motions on notice, and arguments on showing cause against orders returnable on that day, shall then be taken, in the order in which these matters respectively stand in the hearing paper.

(iv.) The causes in the hearing paper shall then be called on, in their order, unless the Court sees fit to vary the order.

Hearing.

76. When a cause in the hearing paper has been called on, if neither party appears either in person or by counsel or attorney, the Court, on being satisfied that the plaintiff has received notice of the hearing, shall, unless it sees good reason to the contrary, strike the cause out of the hearing paper. Non-appearance of both parties.

77. If the plaintiff does not appear in person or by counsel or attorney, the Court, on being satisfied that the plaintiff has received notice of the hearing shall, unless it sees good reason to the contrary, strike out the cause, and make such order as to costs in favour of any defendant appearing as may seem just. Non-appearance of plaintiff.

78. If the plaintiff appears, but the defendant or any of the defendants does not appear, in person or by counsel or attorney, the Court shall, before hearing the cause, inquire into the service of the petition and of notice of hearing on the absent party or parties. Non-appearance of defendant.

If not satisfied as to the service on every party, the Court shall direct that further service be made as it may direct, and adjourn the hearing of the cause for that purpose.

If satisfied that the defendant or several defendants has or have been duly served with the petition and with notice of the hearing, the Court may proceed to hear the cause notwithstanding the absence of the defendant or any of the defendants, and may, on the evidence adduced by the plaintiff, give such judgment as may appear to be just. The Court, however, shall not be absolutely bound to do so, but may order the hearing to stand over to a further day, and direct fresh notice to be

given to the defendant or defendants, in case justice seems to require an adjournment.

Rehearing for defendant.

79. Where the Court hears a cause and gives judgment in the absence of and against any defendant, it may afterwards, on such terms as it thinks fit, set aside the decree and re-hear the cause, on its being established by evidence on oath to the satisfaction of the Court that the defendant's absence was not wilful, and that he has a defence upon the merits.

Restoration of cause to list for plaintiff.

80. Where a cause is struck out by reason of the absence of the plaintiff, it shall not be restored without the leave of the Court until it has been set down again at the bottom of the general hearing list, and been transferred in its regular turn to the hearing paper.

Non-appearance of plaintiff a second time.

81. Where a cause has been once struck out, and has been a second time set down, and has come into the hearing paper, and on the day fixed for the hearing the plaintiff, having received due notice thereof, fails to appear either in person or by counsel or attorney when the cause is called on, the Court, on the application of the defendant, and if the non-appearance of the plaintiff appears to be wilful and intended to harass the defendant, or to be likely to prejudice the defendant by preventing the hearing and determination of the suit, may make an order on the plaintiff to show cause why a day should not be named for the peremptory hearing of the cause, and on the return to that order, if no cause or no sufficient cause be shown, the Court shall name a day accordingly, upon such notice and other terms as seem fit.

In case the plaintiff does not appear on the day so named, either in person or by counsel or attorney, the Court shall, unless it sees good reason to the contrary, dismiss the petition, which dismissal shall have the same effect as a dismissal on the merits at the hearing.

Jury.

Time for demand of or application for jury.

82. Notice of demand of a jury, or of application for a jury, must be filed seven days at least before the day of hearing.

Appeal.

83. An appeal does not lie against the refusal of an application for a jury.

Adjournment for jury.

84. Where notice of demand of a jury has not been filed in due time, or if at the hearing both parties desire a jury, the Court may, on such terms as may seem just, adjourn the hearing, in order that a jury may be summoned.

Proceeding at the Hearing.

Order of proceeding.

85. The order of proceeding at the hearing of a cause shall be as follows:—

The plaintiff shall state the pleadings.

The party on whom the burden of proof is thrown by the nature of the material issues or questions between the parties has the right to begin: he shall address the Court and open his case.

He shall then call his evidence and examine his witnesses in chief.

When the party beginning has concluded his evidence, he shall ask the other party if he intends to call evidence (in which term is included evidence taken by affidavit or deposition, or under commission, and documentary evidence not already read or taken as read); and if answered in the negative, he shall be entitled to sum up the evidence already given, and comment thereon; but if answered in the affirmative, he shall wait for his general reply.

When the party beginning has concluded his case, the other party shall be at liberty to address the Court, and to call evidence, and to sum up and comment thereon.

If no evidence is called or read by the latter party, the party beginning (saving the right of the Crown) shall have no right to reply, unless he has been prevented from summing up his case by the statement of the other party of his intention to call evidence.

The case on both sides shall then be considered closed.

If the party opposed to the party beginning calls or reads evidence, the party beginning shall be at liberty to reply generally on the whole

case, or he may call fresh evidence in reply to the evidence given on the other side, on points material to the determination of the issues, or any of them, but not on collateral matters.

Where evidence in reply is tendered, and allowed to be given, the party against whom the same has been adduced shall be at liberty to address the Court, and the party beginning shall be entitled to the general reply.

Cross-examination and re-examination.

86. Each witness, after examination in chief, shall be subject to cross-examination by the other party, and to re-examination by the party calling him, and after re-examination may be questioned by the Court, and shall not be recalled or further questioned save through and by leave of the Court.

Notes of evidence.

87. The Court shall take a note of the substance of the *viva voce* evidence in a narrative form, but shall put down the terms of any particular question or answer, if there appears any special reason for doing so.

No person shall be entitled as of right, at any time or for any purpose, to inspection or a copy of the Court's notes.

Objection to evidence.

88. All objections to evidence must be taken at the time the question objected to is put, or, in case of written evidence, when the same is about to be put in, and must be argued and decided at the time.

Note of objection.

89. Where a question put to a witness is objected to, the Court, unless the objection appears frivolous, shall take a note of the question and objection, if required by either party, and shall mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

Evidence by affidavit.

90. Where any evidence is by affidavit, or has been taken by commission, or on deposition, the party adducing the same may read and comment upon it, either immediately after his opening, or after the *viva voce* evidence on his part has been concluded.

Admission of affidavit although no cross-examination.

91. The Court may, in its discretion, if the interests of justice appear absolutely so to require (for reasons to be recorded in the minutes of proceedings), admit an affidavit in evidence although it be shown that the party against whom the affidavit is offered in evidence had no opportunity of cross-examining the person making the affidavit, on such terms, if any, as the Court may think just.

Documentary evidence.

92. Documentary evidence must be put in and read, or taken as read by consent.

Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing, and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

Variance of evidence.

93. Where the evidence adduced at the hearing varies substantially from the allegations of the respective parties in the pleadings, it shall be in the discretion of the Court to allow the pleadings to be amended.

Amendments.

94. The Court may allow such amendments upon such terms as to adjournment, costs, and other things as may seem right, so as to avoid surprise and injury to any party; but all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be made if duly applied for.

Pleadings prejudicing fair trial.

95. The Court may at the hearing order or allow, on such terms as may seem just, the striking out or amendment of any pleading which may appear so framed as to prejudice, embarrass, or delay the fair trial of the questions really in controversy between the parties.

Judgment.

Publicity.

96. Decisions and judgments shall be delivered or read in open court in presence of the parties and their legal advisers.

Summons to hear judgment.

97. If the judgment of the Court is reserved at the hearing, parties to the suit shall be summoned to hear judgment, unless the Court at the hearing states the day on which judgment will be delivered, in which case no summons to hear judgment shall be issued.

Notice to parties of judgment.

98. All parties shall be deemed to have notice of any decision or judgment, if the same is pronounced at the hearing of the application or

suit. All parties duly served with notice to attend and hear judgment shall be deemed to have notice of the judgment when pronounced.

Minute of judgment.

99. A minute of every judgment, whether final or interlocutory, shall be made, on which the decree or order may be drawn up on the application of any of the parties.

Special Case.

Decision, judgment, or verdict subject to special case.

100. Any decision or judgment may be given, or verdict taken, subject to a special case to be stated for the opinion of the Supreme Consular Court.

Re-hearing. New Trial.

General power of Court as to re-hearing or new trial.

101. The Court may, in any case, on such terms as may seem just, order a rehearing or new trial, with a stay of proceedings.

Time for application for new trial.

102. An application for a new trial may be made and determined on the day of hearing, if all parties are present, or on notice of motion, filed not later than fourteen days after the hearing.

Such notice shall not of itself operate as a stay of proceedings; but any money in Court in the suit shall be retained to abide the result of the motion or the further order of the Court.

After the expiration of such fourteen days an application for a new trial shall not be admitted, except by special leave of the Court, on such terms as may seem just.

Jury may be demanded on new trial.

103. On an order for rehearing or new trial, either party may demand a jury for the second trial, though the first was not with a jury.

Court may order jury.

104. The Court may, if it thinks fit, make it a condition of granting a re-hearing or new trial that the trial shall be with a jury.

On appeal jury may be ordered for second trial.

105. Where the Supreme Consular Court, on appeal from a Court where trial with a jury can be had, thinks fit to direct a re-hearing in the Court below, it may direct that the second trial shall be with a jury.

Decrees and Orders.

Date of decree or order.

106. A decree or order shall bear date of the day on which the decision or judgment on which the decree or order is founded is pronounced.

Drawing up decree or order.

107. Decrees and orders shall be drawn up in form only on the application of some party to the suit, and shall then be passed, certified by the seal of the Court, and entered, and shall then form part of the record. No decree or order shall be enforced or appealed from, nor shall any copy thereof be granted, until it has been so drawn up, passed, and entered.

Certified copies.

108. Any party to the suit is entitled to obtain a copy of a decree or order, when drawn up, passed, and entered; such copy to be certified under the seal of the Court.

Ex parte orders.

109. Where an order is made *ex parte*, a certified copy of the affidavit or deposition on which the order is granted must be served on the party affected by the order, together with the order.

Statement of time in decree or order.

110. Where in any suit or matter a decree or order directs any person to pay money, or do any other act, the same, or some subsequent decree or order, shall state the precise time within which the payment, or other act, is to be made or done, reckoned from the date or from the service of the decree or order in which the time is stated, or from some other point of time, as may seem fit.

Immediate payment.

111. A decree or order may direct the payment to be made, or act to be done, immediately after service of the decree or order, if, under special circumstances, the Court thinks fit so to direct.

Indorsement on decree or order for money payment:

112. Where the decree or order is one directing payment of money, there shall be indorsed on the copy of it served on the person required to obey it, a memorandum in the words, or to the effect, following:—

> "If you, the within-named A.B., neglect to obey this decree [*or* order] by the time therein limited, you will be liable to have a writ of execution issued against your goods, under which they may be seized and sold, and will also be liable to be summoned by the Court, and to be examined as to your ability to make the payment directed by this decree [*or* order], and to be imprisoned in case of your not answering satisfactorily."

113. Where the decree or order is one directing some act to be done other than payment of money, there shall be indorsed on the copy of it served on the person required to obey it, a memorandum in the words, or to the effect, following:— or for other act.

"If you, the within-named A.B., neglect to obey this decree [*or* order] within the time therein limited, you will be liable to be arrested under a warrant to be issued by the Court, and will also be liable to have your property sequestered, for the purpose of compelling you to obey this decree [*or* order]."

114. A decree or order may direct that money directed to be paid by any person be paid by such instalments as the Court may think fit. Instalments.

115. All money directed by any decree or order to be paid by any person shall be paid into Court in the suit or matter, unless the Court otherwise directs. How payment to be made.

116. Every person not being a party in any suit, who obtains an order, or in whose favour an order is made, is entitled to enforce obedience thereto by the same process as if he were a party to the suit. Enforcement of order by or against persons not parties to suit.

And every person not being a party to any suit against whom obedience to any order may be enforced is liable to the same process for enforcing obedience to such order as if he were a party to the suit.

Execution of Decrees and Orders.

117. A person directed by a decree or order to pay money, or do any other act, is bound to obey the decree or order on being duly served with it, and without any demand for payment or performance. Obedience without demand made.

118. Where the decree or order is one directing payment of money, and the person directed to make payment refuses or neglects to do so according to the exigency of the decree or order, the person prosecuting the decree or order shall be entitled to apply to the Court for execution against the goods of the disobedient person. Execution against goods.

119. Where a decree or order directs payment of money by instalments, execution shall not issue until after default in payment of some instalment according to the order: and execution, or successive executions, may then issue for the whole of the money and costs then remaining unpaid, or for such portion thereof as the Court may order either at the time of making the original decree or order, or at any subsequent time. Instalments.

Seizure and Sale of Goods.

120. The Court shall, unless it sees good reason to the contrary, on the application of the person prosecuting the decree or order, issue under the seal of the Court a warrant of execution, directed to an officer of the Court, who shall be thereby empowered to levy the money ordered to be paid (with the costs of execution) by distress and sale of the goods of the disobedient person, wheresoever they may be found within the particular jurisdiction. Warrant of execution against goods.

121. The officer executing the warrant may by virtue thereof seize any of the goods of the person against whom execution issues (except the wearing apparel and bedding of himself or his family, and the tools and implements of his trade, to the value of five pounds, which shall to that extent be protected from seizure), and may also seize any money, bank notes, cheques, bills of exchange, promissory notes, bonds, or securities for money belonging to him. What may be seized.

122. The Court shall hold any cheques, bills of exchange, promissory notes, bonds, or securities for money so seized as security for the amount directed to be levied by the execution, or so much thereof as is not otherwise levied, for the benefit of the person prosecuting the decree or order, who may sue in the name of the person against whom execution issues, or in the name of any person in whose name he might have sued, for the recovery of the money secured or made payable thereby, when the time of payment arrives. How bills, notes, and other securities to be dealt with.

123. The sale of goods seized in execution shall be conducted under the order of the Court, and by a person nominated by the Court, but no steps shall be taken therein without the demand of the person prosecuting Sale.

the decree or order, who shall be liable for any damage which may ensue from any irregularity or from any improper or illegal proceeding taken at his instance.

Adverse claims to goods seized.

124. The Court shall not order any goods to be sold unless satisfied, *primâ facie*, that they belong to the person against whom execution issued, and are in a place where the Court has the right to exercise jurisdiction.

Where a claim is made by a third party to goods seized in execution, the same, if made by a British subject, shall be decided by the Court on a summons and in a summary way, as between the claimant and the person prosecuting the decree or order.

If the claim is made by a foreigner, the Court shall either oblige the person prosecuting the decree or order to establish his claim before selling the goods, or allow him to sell the goods and defend any claim, as may appear just.

When sale to be made;

125. No sale of goods seized in execution shall be made until after the end of five days at least next following the day of seizure, unless the goods are of a perishable nature, or upon the request in writing of the person whose goods have been seized; and until sale the goods shall be deposited by the officer in some fit place, or they may remain in the custody of a fit person approved by the Court and put in possession by the officer.

custody in meantime.

Return of warrant.

126. Every warrant of execution shall be returned by the officer, who shall certify thereon how it has been executed.

Payment before sale.

127. In or on every warrant of execution the Court shall cause to be inserted or indorsed the sum of money and costs adjudged, with the sums allowed as increased costs for the execution of the warrnnt, and if the person against whose goods execution is issued shall, before actual sale of the goods, pay or cause to be paid into Court, or to the officer holding the warrant, the sum of money and costs adjudged, or such part thereof as the person entitled thereto may agree to accept in full satisfaction thereof, together with all fees, the execution shall be superseded and the goods seized shall be discharged and set at liberty.

Neglect, connivance, or omission of officers.

128. In case any officer of the Court employed to levy any execution shall by neglect or connivance or omission lose the opportunity of levying the same, then on complaint of the person aggrieved, and on the fact alleged being proved on oath to the satisfaction of the Court, the Court shall order the officer to pay such damages as it may appear the person complaining has sustained thereby, not exceeding in any case the sum of money for which the execution issued, and the officer shall be liable thereto, and upon demand made thereof, and on his refusal to pay the same, payment thereof shall be enforced as any decree or order of the Court directing the payment of money.

Summons to Judgment Debtor.

In what cases.

129. Where a decree or order directing payment of money remains wholly or in part unsatisfied (whether a warrant of execution has issued or not), the person prosecuting the decree or order shall be entitled to apply to the Court for a summons, requiring the person by whom payment is directed to be made to appear and be examined respecting his ability to make the payment directed, and the Court shall, unless it sees good reason to the contrary, issue such a summons.

Examination.

130. On the appearance of the person against whom the summons is issued, he may be examined on oath by or on behalf of the person prosecuting the decree or order, and by the Court, respecting his ability to pay the money directed to be paid, and for the discovery of property applicable to such payment, and as to the disposal which he may have made of any property. He shall be bound to produce, on oath or otherwise, all books, papers, and documents in his possession or power relating to property applicable to such payment. He may be examined as to the circumstances under which he contracted the debt or incurred the liability in respect of which the payment of money is by the decree or order directed to be made, and as to the means or expectation he then had of paying the debt or discharging the liability. He shall be bound to sign his examination when reduced into writing.

Whether the person summoned appears or not, the person prosecuting the decree or order, and all other witnesses whom the Court may think requisite, may be examined, on oath or otherwise, respecting the same matters.

The Court may, if it thinks fit, adjourn the hearing of the summons from time to time, and require from the person summoned such security for his appearance at the adjourned hearing as may seem fit, and in default of his finding security, may, by warrant, commit him to prison, there to remain until the adjourned hearing, unless sooner discharged.

131. In any of the following cases,— Commitment.

(i.) If it appears to the Court by the examination of the person summoned, or other evidence, that he has then, or has had since the making of the decree or order, sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the decree or order; or

(ii.) That, with intent to defraud his creditors, or any of them, he has made or suffered any gift, delivery, or transfer of any property, or charged, removed, or concealed any property; or

(iii.) That the debt or liability in question has been contracted or incurred by him, by or by reason of fraud, or false pretence, or breach of trust committed by him; or

(iv.) That forbearance thereof was obtained by him by fraud or false pretence; or

(v.) That the debt or liability was wilfully contracted or incurred by him without his having had at the same time a reasonable expectation of being able to pay or discharge it; or

(vi.) Was contracted or incurred by him by reason of any prosecution or proceeding wherein he was found guilty of any crime or offence, or by reason of any proceeding for libel, slander, assault, battery, adultery, seduction, breach of promise of marriage, malicious arrest, malicious or frivolous and vexatious prosecution, malicious trespass, malicious injury, or the malicious filing or prosecution of a petition for adjudication of insolvency or bankruptcy,—

Then and in any such case the Court may, if it thinks fit, order that the person summoned be committed to prison for any time not exceeding forty days, and may issue a warrant for his commitment accordingly.

132. In places where there is no British Consular prison, or no other place for the detention of a debtor in custody except the prison of the Ottoman authorities, the Court shall not commit the debtor if it appears that the last-mentioned prison is unfit, regard being had to the requirements of health and decency, for the confinement of a British subject under civil process. Place of imprisonment.

133. The expenses of the debtor's maintenance in prison must be defrayed, in the first instance, by the person prosecuting the decree or order, and may be recovered by him in such manner as the Court may direct. Expenses of maintenance in prison.

Such expenses shall be estimated by the Court, and shall be paid at such times and in such manner as the Court shall direct. In default of payment, the debtor may be discharged if the Court thinks fit.

134. Imprisonment under such a warrant does not operate as a satisfaction or extinguishment of the debt or liability to which the decree or order relates, or protect the person imprisoned from being anew summoned and imprisoned for any new fraud or other default rendering him liable to be imprisoned, or deprive the person prosecuting the decree or order of any right to have execution against his goods, as if there had not been such imprisonment. Effect of imprisonment.

135. Any person so imprisoned who shall pay the money by the decree or order directed to be paid, or the instalments thereof payable, and costs remaining due at the time of his commitment, and all subsequent costs and expenses, shall be entitled to be discharged out of custody. Discharge from prison on payment.

136. On the hearing of any such summons as aforesaid, the Court, if it thinks fit, whether it makes any order for the commitment of the person summoned or not, may rescind or alter any decree or order previously made against him for the payment of money by instalments or otherwise, Rescinding or variation of order for payment.

and make any further or other order, either for the payment of the whole thereof, forthwith or by instalments, or in any other manner, as the Court may think reasonable and just.

Execution out of Jurisdiction.

Warrant of execution or commitment, where to be executed.

137. Ordinarily no warrant of execution or commitment shall be executed out of the particular jurisdiction except under an order made for that purpose, on the request of the Court issuing the warrant, by the Court within whose jurisdiction it is to be executed, which Court may take such steps as if it had originally issued the warrant, but shall ultimately send any money produced by the execution or the person apprehended (as the case may be) to the Court from which the warrant issued, to be there dealt with according to law.

But where the urgency or other peculiar circumstances of the case appear to the Court issuing the warrant so to require, the Court (for reasons to be recorded in the minutes of proceedings) may order it to be executed out of the particular jurisdiction.

Arrest.

In what cases.

138. Where the decree or order is one directing some act to be done other than payment of money, and the person directed to do the act refuses or neglects to do it according to the exigency of the decree or order, the person prosecuting the decree or order shall be entitled to apply to the Court for a warrant of arrest against the disobedient person.

Warrant.

139. The Court shall, unless it sees good reason to the contrary, on the application of the person prosecuting the decree or order, issue, under the seal of the Court, a warrant of arrest directed to an officer of the Court, who shall be thereby empowered to take the body of the disobedient person, and detain him in custody until further order.

Sequestration.

In what cases.

140. In case the person against whom the warrant of arrest issues is not and cannot be found, or is taken and detained in custody under the warrant without obeying the decree or order, then the person prosecuting the decree or order shall be entitled to an order of sequestration against his property.

Commitment for Disobedience.

In what cases.

141. Where any person over whom the Court has jurisdiction is guilty of wilful disobedience to a decree or order, the person prosecuting the decree or order shall be entitled to apply to the Court for an order on the disobedient person to show cause why he should not be punished for the disobedience. The Court, unless it sees good reason to the contrary, shall on such application make an order accordingly.

The Court shall not grant the order except on evidence on oath establishing such a case as, if uncontradicted and unexplained, would justify the immediate commitment of the disobedient person.

A certified copy of the affidavit or deposition on which the order is granted shall be served on the party to whom the order is directed, together with the order, and he may file counter affidavits.

Warrant.

142. On the return day of the order, if the person to whom it is directed does not attend and does not establish a sufficient excuse for not attending, and if the Court is satisfied that the order has been duly served, or if he attends and does not show cause to the satisfaction of the Court why he should not be punished for the disobedience, the Court may issue a warrant for his commitment to prison.

The Court may enlarge the time for the return to the order, or may, on the return of it and under circumstances which would strictly justify the immediate commitment of the person guilty of the disobedience, direct that the warrant for his commitment shall issue only after a

certain time and in the event of his continued disobedience at that time to the decree or order in respect of which he has been guilty of disobedience.

Duration of detention.

143. A person committed for disobedience to a decree or order will be liable to be detained in custody until he has obeyed the decree or order in all things that are to be immediately performed, and given such security as the Court thinks fit to obey the other parts of the decree or order (if any) at the future times thereby appointed, or in case of his no longer having the power to obey the decree or order then until he has been imprisoned for such time or until he has paid such fine as the Court may direct.

VI.—Interlocutory Proceedings.

Form of interlocutory application.

144. Interlocutory applications may be made at any stage of a suit or proceeding. They shall be made either by motion or on application for a summons.

Motions.

Motion paper.

145. Motions must be reduced to writing in the terms of the order sought from the Court, and no motion shall be entertained until the party moving has filed in the Court a written motion-paper distinctly stating the terms of the order sought (Form 8).

The motion may in its terms ask for an order directing more than one thing to be done, and may also be in an alternative form, asking that one or another order be made, so only that the whole order sought be therein substantially expressed.

In case the motion-paper contains any matter by way of argument or other matter except the proper particulars of the motion itself, the Court shall direct the motion-paper to be amended, and shall make no other order thereon, until it is amended accordingly, by striking out such argument or other matter.

Evidence.

There shall be filed with the motion-paper all affidavits on which the person moving intends to rely. No other evidence can be used in support of the motion except by leave of the Court.

No paper accompanying the motion-paper other than an affidavit shall be received.

Motion in Court; or by writing.

146. The person filing the motion-paper may then either move the Court while sitting, and on such days or at such times, if any, as are by the regulations of the Court set apart for hearing motions, or in cases of urgency at any time while the Court is sitting and not engaged in hearing any other matter, or send a written request to the Court for an order according to the motion paper with such argument stated in writing in support of his motion as he may think fit.

Notice of motion.

147. All motions shall be made *ex parte* in the first instance unless the Court gives leave to give a notice of motion for a certain day.

Application *ex parte*.

148. On a motion *ex parte* the party moving shall apply for either an immediate absolute order of the Court in the terms of the motion-paper on his own showing and evidence, or an order to the other party to appear on a certain day and show cause why an order should not be made in the terms of the motion-paper.

Any party moving in Court *ex parte* on a motion-paper, may support the same by argument addressed to the Court on the facts put in evidence by the affidavits filed in support of the motion ; and no party to the suit or proceeding, if present, other than the party moving, shall be entitled to be then heard.

Order on motion.

149. On a motion coming on the Court may allow the motion-paper to be amended.

It may allow additional evidence to be produced by affidavit or deposition.

It may direct the motion to stand over.

It may refuse the motion.

It may make the order in terms of the motion.

Where an immediate order absolute is asked, and the right thereto clearly appears, it may grant such order.

It may grant an order to show cause why the order sought should not be made.

It may allow a motion on notice to be made.

If the motion, as originally framed, or as amended, is substantially divisible into two or more parts, it may divide the same, and deal in different ways with the separate parts thereof, as the case may require.

If it appears to the Court on the evidence adduced in support of the motion, or on any additional evidence which the Court may permit to be adduced in support thereof, that the party moving is entitled to an order absolute or to show cause different from the order asked, and the party moving is willing to take such different order, the Court may so order accordingly. If he is not willing to take such different order, the Court shall refuse the motion.

Varying or discharge of order.

150. Where an order is made *ex parte*, any party affected by it may, within seven days after service of it, apply to the Court by motion to vary or discharge it; and the Court, on notice to the party obtaining the order, either may refuse to vary or discharge it, or may vary or discharge it with or without imposing terms as to costs or security, or other things, as justice may require.

Orders to show cause.

Return day.

151. An order to show cause shall specify a day when cause is to be shown, to be called the return-day to the order, which shall ordinarily be not less than four days after service.

Counter affidavits.

A person served with an order to show cause may, before the return-day, file affidavits in order to contradict the evidence used in obtaining the order, or setting forth other facts on which he may rely, to induce the Court to discharge such order.

Proceedings on return-day.

On the return-day, if the persons served do not appear, in person or by counsel or attorney, and it appears to the Court that the service on all proper parties has not been duly effected, the Court may enlarge the time and direct further service, or make such other order as may be just.

In case the persons served appear, or the Court is satisfied that service on all proper parties has been duly effected, the Court may proceed with the matter.

The Court may either discharge the order or make the same absolute, or adjourn the consideration thereof, or may permit further affidavits to be filed in support of or against the order, and may mould and modify the terms of the order so as to meet the merits of the case, and may make the order so modified absolute, and may, if the order against which cause is shown is substantially divisible into two or more parts, divide the same, and deal in different ways with the separate parts as may seem fit, and the Court, as part of its order, may impose terms as to costs or otherwise on the parties, or any of them, as justice may require.

Summons.

Application for.

152. An application for a summons need not be made in writing, but may be made in person either by the applicant himself, or by his counsel or attorney.

Contents of.

If the Court considers that a summons ought to be granted, it may issue a summons ordering the person to whom it is directed to attend at the time and place specified therein, either in person or by counsel or attorney, and briefly but distinctly setting forth the nature of the particular application.

The summons shall be headed in the suit or other proceeding.

Proceedings on return-day.

On the return-day of the summons, if the person to whom the summons is directed attends (or in his absence on proof of service), the Court may, on the application of the person obtaining the summons, consider and deal with the application in a summary way.

The Court shall take a note of the material evidence, if taken *vivâ voce*.

The Court may adjourn the hearing of any summons when necessary.

VII.—Appeal to Supreme Consular Court.

1.—*In General.*

Ex parte orders.

153. An appeal does not lie from an order made *ex parte*. Any person

aggrieved by such an order must apply to the Court by which it is made to vary or discharge it.

Time for application for leave.

154. Application for leave to appeal must be made to the Court whose decision is to be appealed from, by motion, *ex parte*, ordinarily within seven days after the decision to be appealed from is given, but afterwards by special leave of the Court.

Execution of decree or order pending appeal.

155. If leave to appeal is applied for by a person directed by a decree or order to pay money, or do any other act, the Court below shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court may consider to be consistent with real and substantial justice.

Security.

If the Court directs the decision to be carried into execution, the person in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for the due performance of such order as the Supreme Consular Court may make.

If the Court directs the execution of the decision to be suspended pending the appeal, the person against whom the decision is given shall, before any order for suspension of execution, give security to the satisfaction of the Court for the due performance of such order as the Supreme Consular Court may make.

In all cases security shall also be given by the appellant to the satisfaction of the Court, to an amount not exceeding 50*l.* sterling, for the prosecution of the appeal, and for payment of all fees and charges in the Court below and in the Supreme Consular Court, and of all such costs as may be awarded to any respondent by the Supreme Consular Court.

Leave to appeal, when.

If the last-mentioned security is given within fourteen days after motion made for leave to appeal, then and not otherwise the Court below shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal accordingly.

In any case other than the cases hereinbefore described, the Court below, if it considers it just or expedient (for reasons to be recorded in the minutes of proceedings) to do so, may give leave to appeal on the terms and in the manner aforesaid.

Appeal by plaintiffs;

156. Where there are more plaintiffs than one an appeal cannot be prosecuted except by all the plaintiffs jointly.

by defendants.

Where there are more defendants than one, any one or more of them may prosecute an appeal separately, but defendants improperly severing in appeal do so at the risk of costs.

Personal appearance.

157. The Supreme Consular Court may require any party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal: otherwise personal appearance shall not be requisite.

Evidence.

158. It is not open, as of right, to any party to an appeal to adduce new evidence in support of his original case; but a party may allege any facts essential to the issue that have come to his knowledge after the decision of the Court below, and adduce evidence in support of such allegations; and for the furtherance of justice the Supreme Consular Court may, where it thinks fit, allow or require new evidence to be adduced.

Original documents.

159. The Court below shall not, except for some special cause, take upon itself the responsibility of the charge or of the transmission to the Supreme Consular Court of original letters or documents produced in evidence in the suit. Such original letters and documents shall be returned to the respective parties producing the same, and only copies thereof duly certified shall be transmitted in the appeal record. The respective parties must, however, be prepared to produce the originals, if required by the Supreme Consular Court, at or before the hearing of the appeal.

Limitation of time for appeal.

160. After the expiration of six months from the date of a decree or order, leave to appeal against it shall not be given by a Provincial Consular Court. Application for leave to appeal must in that case be made to the Supreme Consular Court, which shall grant such leave if, on consideration of all the circumstances of the case, it appears just and expedient that an appeal should be allowed, but not otherwise, and may impose such terms as to security and other things as the justice of the case may require.

Application of foregoing Rules.

161. The foregoing Rules apply to suits for 50*l.* or upwards, described

in Article 67 of the Order in Council, under which these Rules are framed, and shall also be applied, as far as may be, *mutatis mutandis*, in cases where special leave to appeal is applied for to a Provincial or the Supreme Consular Court.

Appeal petition: Motion.

162. An appeal from a decree or order made at the hearing of a suit shall be made by petition.

Other appeals shall be made by motion.

2.—From Decrees or Orders at Hearing.

Appeal petition: Time for filing.

163. The appellant must file his petition of appeal in the Court below within fourteen days after leave to appeal is given.

Contents.

164. The petition of appeal shall contain an exposition of the appellant's case as supported by evidence already before the Court, and by the record as it stands, and may not refer to any matter of fact not appearing by such record or evidence, or which may not by argument and inference be fairly deduced therefrom.

It shall set forth the grounds of appeal, and the particulars in which the decree or order appealed from is considered by the appellant to be erroneous or defective, and shall pray that the same may be reversed or varied, and that the Court above may make the particular order to which, on the record and evidence as it stands, the appellant conceives himself entitled, or such other order as the Court shall think just.

It may contain any matter by way of argument in support of the appeal.

Service.

165. The petition of appeal shall be served on such persons as the Court may direct.

Respondent's answer.

166. Any person on whom the petition of appeal has been served may, within fourteen days after service, file in the Court below an answer to the petition of appeal.

It shall contain an exposition of the respondent's case, as supported by the evidence already before the Court, and by the record as it stands, and may not refer to any matter of fact not appearing by such record or evidence, or which may not by argument and inference be fairly deduced therefrom.

It shall simply conclude with a demand that the appeal be dismissed.

It may contain any matter by way of argument against the appeal.

Copies furnished.

167. Copies of the answer shall be furnished by the Court to such persons as it may think fit.

Objections in answer.

168. All matter of objection to any appeal, as being out of time, or on any grounds other than on the merits of the case itself, must be substantially raised by the party desiring to rely thereon, in and by the answer to the petition of appeal, and if not so raised, or where no answer is put in, no such objection shall be permitted to be raised at the hearing of the appeal.

Effect of not answering.

169. The absence of an answer shall not preclude any person interested in supporting the decree or order from supporting the same on the merits at the hearing of the appeal.

Record of appeal.

170. On the expiration of the time for answering, the Court below shall, without receiving any further pleading in appeal, make up the record of appeal, which shall consist of the petition, pleadings, orders, and proceedings, and the decree or order in the suit, a copy of all written and documentary evidence admitted or tendered, and of the notes of the *vivâ voce* evidence, the petition or petitions of appeal, and the answer or answers thereto.

The whole record shall be fastened together, the several pieces shall be numbered, and the whole shall be secured by the seal of the Court below.

Power of Supreme Consular Court over suit in which appeal is pending.

171. After the record of appeal has been made up, and until the appeal is disposed of, the Supreme Consular Court shall be taken to be in possession of the whole suit as between the parties to the appeal.

Every application in the suit shall be made to the Supreme Consular Court and not to the Court below, but any application may be made through the Court below.

172. The Supreme Consular Court may from time to time make such

orders as shall be necessary for determining the real question in controversy between the parties, and for that purpose may, as between the parties to the appeal, amend any defects or errors in the record of appeal, and may direct the Court below to inquire into and certify its finding on any question as between such parties, or any of them, which it may be necessary or expedient to ascertain before final judgment in the appeal, and generally shall, as between the parties to the appeal, have as full and ample jurisdiction over the whole suit as if the same had been instituted and prosecuted in the Supreme Consular Court itself as a Court of First Instance by parties subject to its ordinary original jurisdiction, and may re-hear the whole case, or may remit it to the Court below to be re-heard, or to be otherwise dealt with as the Supreme Consular Court directs. Power of Supreme Consular Court to remit the case or otherwise proceed in it.

173. The Supreme Consular Court shall, on receiving the record of appeal, fix a special day for the consideration and hearing thereof. Day for hearing.

Such day shall be fixed as will allow of the Court giving notice thereof through the Court below to the parties to the appeal, and as will allow of the parties attending either in person or by counsel or attorney, if they or any of them desire to do so.

174. In case all the several parties to an appeal appoint persons at Constantinople to represent them as their respective counsel or attorneys in the matter of the appeal, and cause the same to be notified to the Supreme Consular Court, the Court shall allow the appeal to be set down in the general hearing list at once, and shall proceed to dispose of the appeal in its turn, without further notice to the parties or any of them, and the respective representatives of the parties shall be bound to watch for and take notice of the day for hearing. Appearance by counsel or attorney.

3.—*Not from Decrees or Orders at Hearing.*

175. The appellant shall file his appeal motion-paper in the Court below within seven days after leave to appeal is given. Appeal motion.

He may at the same time file in the Court below any argument he may desire to submit to the Supreme Consular Court in support of the appeal.

The motion-paper and the argument (if any) shall be served on such persons as the Court may direct.

176. Any person so served may, within seven days after service, file in the Court below any argument he may desire to submit to the Supreme Consular Court against the appeal. Respondent's argument.

Copies of such last-mentioned argument (if any) shall be furnished by the Court below to such persons as it may think fit.

177. On the expiration of the time for filing such last-mentioned argument, the Court below shall make up the record of appeal, which shall consist of the petition and such portion of the pleadings, orders, proceedings, and evidence as relate to the particular decision appealed from, with the appeal motion-paper and any argument or arguments filed. The record shall be made up as on appeal from a decree. Record of appeal.

178. The Court shall not cause notice to be given to the parties of the day when the appeal motion will be disposed of, unless under special circumstances it thinks fit so to do. Notice to parties.

But where any party to the appeal motion notifies to the Supreme Consular Court his desire to attend in person, or by counsel or attorney, when the motion is being disposed of, he shall be at liberty to do so, and the Court shall hear him, or his counsel or attorney, before disposing of the motion.

VIII.—Summary Orders before Suit.

179. Where the extreme urgency or other peculiar circumstances of the case appear to the Court so to require, the Court may on evidence on oath, without a petition having been previously presented, make *ex parte* an order of injunction, or an order to sequester money or goods, or to stop a passport or the clearances of a ship, or to hold to bail. In what cases.

180. Before making such an order, the Court shall require the person Recognizance.

applying for it to enter into a recognizance (with or without a surety o sureties as the Court may think fit), signed by the party applying (and his surety or sureties if any), as a security for his being answerable in damages to the person against whom the order is sought.

Duration of order.

181. Any such order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time a suit is regularly instituted by the person obtaining the order.

Any such order shall be dealt with in the suit as may be just.

Arrest and other proceedings under order to hold to bail.

182. An order to hold to bail shall state the amount (including costs) for which bail is required.

It shall be executed forthwith.

The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order, to abide the event of such suit as may be instituted, or on entering into a recognizance (with or without a surety or sureties as the Court may think fit), signed by him (and his surety or sureties if any), as a security that he will abide by and satisfy any decree or order of the Court in any such suit as may be instituted.

The person arrested shall be liable, if not sooner discharged, to be detained in custody under the order for not more than seven days; but the Court may, from time to time, on evidence on oath, renew the order, so, however, that no person shall be kept in custody under any such order and renewed order for a longer time, in the whole, than thirty days.

IX.—Probate and Administration.

Deposit of Will in Lifetime.

Testator may deposit will.

183. Any British subject may in his lifetime deposit for safe custody, in the Supreme or other Consular Court, his own will, sealed up under his own seal and the seal of the Court.

Proceedings on Death.

Notice of death.

184. The Supreme and every other Consular Court shall endeavour to obtain, as early as may be, notice of the death of every British subject dying within the particular jurisdiction, and all such information respecting the affairs of the deceased as may serve to guide the Court with respect to the securing and administration of his property.

On receiving notice of the death of a British subject the Court shall put up a notice thereof at the place where its sittings are ordinarily held, and shall keep the same there until probate or administration is granted, or where it appears to the Court that probate or administration will not be applied for, or cannot be granted, for such time as the Court may think fit.

Testamentary papers to be deposited in Court.

185. Any person having in his possession or under his control any paper or writing of the deceased being or purporting to be testamentary, shall forthwith bring the original to the Supreme or other Consular Court, and deposit it there.

Penalty.

Any person neglecting so to do for fourteen days after having knowledge of the death of the deceased, shall be liable to such penalty, not exceeding 50*l.* sterling, as the Court may think fit to impose.

Compulsory production of testamentary papers.

186. Where it is shown to the satisfaction of the Supreme or other Consular Court that any paper purporting to be testamentary is in the possession or under the control of any person, the Court may, in a summary way, whether a suit or proceeding as to probate or administration is pending or not, order him (Form 24) to produce and bring into Court such paper.

Where it appears to the Supreme or other Consular Court that there are reasonable grounds for believing that any person has knowledge of any paper purporting to be testamentary (although it is not shown to the satisfaction of the Court that the paper is in his possession or under his control), the Court may, in a summary way, whether a suit or proceeding for probate or administration is pending or not, order him to attend for

the purpose of being examined respecting the same in open Court or on interrogatories, and after examination to produce the paper and bring it into Court.

Any person failing to attend or to be examined, or to produce and bring in the paper accordingly, shall be liable to the same consequences as he would be liable to if he were a party to a suit in the Court, and had made like default.

Notice to executors to come in and prove.

187. The Court may of its own motion, or on the application of any person claiming an interest under a will, give notice to the executor or executors (if any) therein named, to come in and prove the will or to renounce probate, and the executors or executor so named, or some or one of them, must within fourteen days after notice come in and prove or renounce accordingly.

I.—*Probate or Administration in General.*

Time after death when probate or administration may be granted.

188. Probate (Form 13) or letters of administration with will annexed (Form 14) shall not issue until after the lapse of seven days from the death of the deceased, except under the direction of the Judge of the Supreme Consular Court or in case of great urgency.

Letters of administration (not with will annexed) shall not issue (Form 15) until after the lapse of fourteen days from the death of the deceased, except under the direction of the Judge of the Supreme Consular Court, or in case of great urgency.

Application after three years.

189. Where probate or administration is, for the first time, applied for after the lapse of three years from the death of the deceased, a grant shall not be made except under the direction of the Judge of the Supreme Consular Court.

Grants by Supreme on request of Provincial Consular Court.

190. In any case a grant of probate or administration may be made by the Supreme Consular Conrt, wheresoever in the Ottoman dominions the deceased had at the time of his death his place of abode; but where the deceased had at the time of his death his fixed place of abode in the district of a Provincial Consular Court, the application for the grant shall not be entertained by the Supreme Consular Court, except on the request of the Provincial Consular Court.

In disputed or doubful cases, directions of Supreme to Provincial Consular Court.

191. Where any dispute or question arises in relation to the grant or the application for it, or it appears to the Provincial Consular Court doubtful whether or not the grant should be made, the Provincial Consular Court shall communicate with the Judge of the Supreme Consular Court, who shall either direct the Provincial Consular Court to proceed in the matter according to such instructions as the Judge may think fit, or may forbid any further proceeding in the matter by the Provincial Consular Court, directing that any party concerned may apply for a grant to the Supreme Consular Court itself.

Evidence to found jurisdiction of Provincial Consular Court.

192. The Provincial Consular Court, before proceeding in the matter of any application, shall take care to ascertain that the deceased had at the time of his death his fixed place of abode in the district of the Court, and shall not for this purpose consider itself bound to rest satisfied with such evidence as may be offered by the person applying for the grant.

Identity.

193. The Court shall, where it deems it necessary, require proof, in addition to the oath of the executor or administrator, of the identity of the deceased or of the party applying for the grant.

Value of property.

194. The Court shall take care to ascertain the value of the property of the deceased as correctly as circumstances will allow.

Satisfactory answers to Court's inquiries before grant.

195. In no case shall the Court allow probate or letters of administration to issue until all inquiries which it may see fit to institute have been answered to its satisfaction. The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

Cases in which Judge of Supreme Consular Court alone may make grant.

196. In the following cases of probate or administration, a grant shall not issue except from the Supreme Consular Court under the immediate direction of the Judge, namely :—

Probate or administration with will annexed, where the will was executed before the 1st day of January, 1838, and there is no testamentary paper of a later date than the 31st day of December, 1837;

Probate, or administration with will annexed, the will being simply an execution of a special power, or being the will of a married woman made by virtue of a power;

Administration for the use or benefit of a minor or infant, or a lunatic or person of unsound mind;

Administration (with or without will annexed) of the property of a bastard dying either a bachelor or spinster, or a widower or widow without issue, or of a person dying without known relative;

Limited administration;

Administration to be granted to a person not resident within the Ottoman dominions.

Revocation or alteration of grant.

197. Revocation or alteration of a grant of probate or administration shall not be made except by the Supreme Consular Court under the immediate direction of the Judge.

Notice to prohibit grant.

198. A notice to prohibit a grant of probate or administration (Form 28) may be filed in the Supreme Consular Court, or in any Provincial Consular Court.

Immediately on such a notice being filed in the Supreme Consular Court, a copy thereof shall be sent to the Consular Court of the district (if any) in which it is alleged the deceased had at the time of his death his fixed place of abode, and to any other Consular Court to which it may appear to the Judge of the Supreme Consular Court expedient to send a copy.

Immediately on such a notice being filed in a Provincial Consular Court, the Court shall send a copy thereof to the Supreme Consular Court, and also to the Court of any other Provincial Consular District in which it is known or alleged the deceased had at the time of his death a place of abode.

Such a notice shall remain in force for three months only from the day of filing; but it may be renewed from time to time.

No such notice shall affect any grant made on the day on which the notice is filed, or a copy received, as the case may be.

The person filing such a notice shall be warned by a warning in writing, under the seal of the Court (Form 29), being delivered at the place mentioned in the notice as the address of the persons filing the notice.

After such a notice has been filed in a Provincial Consular Court, or after a copy of such a notice has been received by a Provincial Consular Court (as the case may be), the Provincial Consular Court shall not make a grant of probate or administration, but any grant shall be made only by the Supreme Consular Court, under the immediate direction of the Judge.

Notices in nature of citations.

199. Notices in the nature of citations shall be given by publication in such newspapers, or in such other manner as the Court may in each case direct.

Procedure in suits for probate or administration.

200. Suits respecting probate or administration shall be instituted and conducted as nearly as may be in the same manner as suits for claims of 20*l.* and upwards.

Custody of original wills.

201. All original wills, of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Supreme or other Consular Court from which the grant issues, in such manner as to secure at once the due preservation and the convenient inspection of the same, and no original will shall be delivered out for any purpose without the express direction in writing of the Judge of the Supreme Consular Court.

Official copies and certificates.

An official copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Supreme or other Consular Court where the will has been proved or the administration granted, on payment of the proper fees.

Half-yearly returns from Provincial to Supreme Consular Court.

202. On the 1st day of February and the 1st day of August in every year, every Provincial Consular Court shall send to the Supreme Consular Court,—

A list (Form 30) of the grants of probate and administration made by it up to the last preceding 1st day of January and 1st day of July respectively, and not included in any previous list;

And also a copy, certified by the Provincial Consular Court to be a correct copy, of every will to which any such probate or administration relates.

2.—*Probate and Administration with Will annexed.*

Interpretation of "Consular Officer."

203. In the following rules respecting probate and administration, the expression "Consular Officer" means, as to the provinces, the Consul-General, Consul, or Vice-Consul holding and forming a Consular Court; as to the Supreme Consular Court, such one of the Consular officers attached thereto as may for the time being act in matters of probate and administration by the authority and under the direction of the Judge.

Examination of will as to mode of execution.

204. Upon receiving an application for probate or for administration with will annexed, the Consular officer must inspect the will and see whether it appears to be signed by the testator or by some other person in his presence and by his direction, and subscribed by two witnesses, according to the provisions of the Acts of Parliament 7 Wm. IV and 1 Vict., c. 26, sect. 9,* and 15 and 16 Vict., c. 24, sect. 1,† and in no case may he proceed further if the will does not appear to be so signed and subscribed.

Examination of attestion clause.

205. If the will appears to be signed by or for the testator and subscribed by two witnesses, the officer must then refer to the attestation clause (if any), and consider whether the wording thereof shows the will to have been in fact executed in accordance with the provisions of the said Acts.

Proof of execution according to Acts of Parliament.

206. If there is no attestation clause to the will, or if the attestation clause thereto is insufficient, the officer must require an affidavit (Form 9), from at least one of the subscribing witnesses, if either of them is living, to prove that the will was in fact executed in accordance with the provisions of the said Acts.

The affidavit must be engrossed and form part of the probate, so that the probate may be a complete document on the face of it.

If on perusal of the affidavit it appears that the will was not in fact executed in accordance with the provisions of the said Acts, the officer must refuse probate.

If on perusal of the affidavit it appears doubtful whether or not the will was in fact executed in accordance with the provisions of the said Acts, the officer must lay a statement of the matter before the Judge of the Supreme Consular Court for his directions.

If both the subscribing witnesses are dead, or if from other circumstances no affidavit can be obtained from either of them, resort must be

* "And be it further enacted, that no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned (that is to say): it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

† "Whereas by an Act passed in the first year of the reign of Her Majesty Queen Victoria, intituled 'An Act for the Amendment of the Laws with respect to Wills,' it is enacted, that no will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactment, as explained by this Act, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will, and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after or under or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment; but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made."

had to other persons (if any) who may have been present at the execution of the will; but if no affidavit of any other such person can be obtained, evidence on oath must be procured of that fact and of the handwriting of the deceased and of the subscribing witnesses, and also of any circumstances that may raise a presumption in favour of the due execution of the will.

Will of testator, blind, obviously illiterate or ignorant.

207. The Consular officer shall not allow probate of the will, or administration with the will annexed, of any blind person, or of any obviously illiterate or ignorant person, to issue, unless he has previously satisfied himself, by what appears on the face of the will or by evidence on oath, that the will was read over to the deceased before its execution, or that the deceased had at that time knowledge of its contents.

Where this information is not forthcoming the Consular officer must communicate with the Judge of the Supreme Consular Court.

Interlineations, alterations, erasures, or obliterations.

208. Having satisfied himself that the will was duly executed, the Consular officer must carefully inspect the same, to see whether there are any interlineations or alterations or erasures or obliterations appearing in it, and requiring to be accounted for.

Interlineations and alterations are invalid unless they existed in the will at the time of its execution, or, if made afterwards, unless they have been executed and attested in the mode required by the said Acts of Parliament, or unless they have been rendered valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

Where interlineations or alterations appear in the will (unless duly executed or recited in or otherwise identified by the attestation clause), an affidavit or affidavits in proof of their having existed in the will before its execution, must be filed.

In like manner, erasures and obliterations are not to prevail unless proved to have existed in the will at the time of its execution, or unless the alterations thereby effected in the will are duly executed and attested, or unless they have been rendered valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

If no satisfactory evidence is adduced as to the time when the erasures or obliterations were made, and the words erased or obliterated are not entirely effaced, and can, upon inspection of the paper, be ascertained, they must form part of the probate.

In every case of words having been erased which might have been of importance an affidavit must be required.

If reasonable doubt exists in regard to any interlineation, alteration, erasure, or obliteration, the Consular officer shall, before proceeding further in the matter, communicate with the Judge of the Supreme Consular Court for his directions.

Deed, paper, or document referred to in a will;

209. Where a will contains a reference to any deed, paper, memorandum, or other document, of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the production of the deed, paper, memorandum, or other document must be required, with a view to ascertain whether or not it is entitled to probate; and if not produced, its non-production must be accounted for by evidence on oath.

No deed, paper, memorandum, or other document can form part of a will or codicil, unless it was in existence at the time when the will or codicil was executed.

or annexed or attached.

If there are any vestiges of sealing-wax or wafers or other marks on the testamentary paper, leading to the inference that some paper, memorandum, or other document has been annexed or attached thereto, they must be satisfactorily accounted for by evidence on oath, or the production of such paper, memorandum, or other document must be required; and if not produced, its non-production must be accounted for by evidence on oath.

If doubt exists as to whether or not any such deed, paper, memorandum, or other document is entitled to probate as a constituent part of the will, the Consular officer shall, before proceeding further in the matter, communicate with the Judge of the Supreme Consular Court for his directions.

210. The foregoing rules respecting wills apply equally to codicils. Codicils.

211. Every will or copy of a will or other testamentary paper to which an executor or an administrator with will annexed is sworn, shall be marked by such executor or administrator and by the person before whom he is sworn. Marking of will or copy sworn to.

212. The Consular officer shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and to reject those which are not so. Writing of copies.

3.—*Administration.*

213. The duties of the Consular officer in granting administration (not with will annexed) are in many respects the same as in cases of probate. Administration not with will annexed.

He shall ascertain the time and place of the deceased's death, and the value of the property to be covered by the administration.

214. Where an executor appointed in a will survives the testator, but either dies without having taken probate or being summoned or called on by the Court to take probate, does not appear, his right in respect of the executorship wholly ceases; and the representation to the testator and the administration of his effects without further renunciation go, devolve, and may be committed in like manner as if he had not been appointed executor. Executor dying without proving, or not appearing.

215. Where administration is applied for by one or some of the next of kin only, there being another or other next of kin equally entitled thereto, the Consular officer shall require proof by affidavit that notice of the application has been given to the other next of kin. Notice to next of kin.

216. Every person to whom administration is granted shall give bond (Forms 18, 19) with two or more responsible British subjects as sureties, to the Judge of the Supreme Consular Court, to enure for the benefit of the Judge for the time being, conditioned for duly collecting, getting in, and administering the personal estate of the deceased. Administration bond.

Where, however, the property is under the value of 50*l*., one such surety only may be taken.

The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Consular officer in any case thinks it expedient to reduce the amount, for reasons to be forthwith certified by him to the Judge of the Supreme Consular Court.

The Consular officer may also in any case direct that more bonds than one shall be given, so as to limit the liability of any surety to such amount as the Consular officer thinks reasonable.

217. The Judge of the Supreme Consular Court may, on application, in a summary way, and on being satisfied that the condition of any administration bond has been broken, assign the same to some person, who shall thereupon be entitled to sue on the bond in his own name, as if the same had been originally given to him instead of to the Judge of the Supreme Consular Court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond. Assignment of and suit on bond.

X.—Mixed Commissions.

218. Where a foreigner suing in a Consular Court is by the custom of the place entitled to elect and does elect to have a Mixed Commission, the procedure in the suit shall be under the control of the British Court, and save as in these Rules is expressly otherwise provided, the suit shall be conducted as nearly as may be in the same manner as a suit between British subjects. Mode of procedure generally.

219. The Court may require the attendance of the foreign plaintiff in person or (with the leave of the Court) by attorney on any interlocutory application in the suit, and in default of attendance may stay proceedings; but every summons or notice to a foreigner shall be sent through his own Consulate, or the proper local authority (as the case may requre). Attendance of plaintiff. Service.

220. The Court may, if necessary, during the progress of the suit, require from the foreign plaintiff a further deposit for fees and costs, and Further deposit for fees and costs;

stay proceedings in default; and may also, if necessary, require him to give security to the satisfaction of the Court, by deposit or otherwise, to abide by and perform the decision of the Court in any cross-suit or counter-claim that may be instituted or brought by the defendant, within the time limited for putting in an answer, arising out of the same matter, and to abide by the decision of the Court on the question whether or not such cross-suit or counter-claim does in fact arise out of the matter in respect of which he (the foreign plaintiff) sues; and may stay proceedings in default.

security as to cross-suit or counter-claim.

Appointment of Commissioners.

221. After the cause has been set down in the general hearing list, a Mixed Commission shall be appointed in the following manner:—

The plaintiff or plaintiffs, through and with the assent of his or their Consulate, or of the proper local authority, as the case may require (or through and with the assent of the Consulate or the local authority of the first plaintiff on the record, in case there are more than one, and the nationality of the plaintiffs is different), shall nominate some indifferent person of respectability (not being a practising lawyer) willing and able to act as a Commissioner upon the Commission;—the defendant or defendants shall nominate another like person to act as a Commissioner;—and the Court shall nominate and appoint a third like person to act as a Commissioner.

Every person nominated a Commissioner by a foreign authority shall have his appointment acknowledged by the British Court before he shall be competent to act on the Commission.

The appointment of the Commissioner appointed by the Court, and of the person nominated by the British defendant or defendants shall be made by an order of the Court in the suit.

Objections.

Objections made by the parties or either of them to any person nominated or appointed a Commissioner shall be heard and determined by the Court in a summary way.

Removal and substitution.

The Court may of its own authority remove any British Commissioner for wilful absence or for manifest partiality or misconduct, and may appoint another person to act as Commissioner in his place.

The Court may require the removal of any foreign Commissioner by the authority which appointed him, and the substitution of another person by such authority, for any reason which would have justified the removal of a British Commissioner, and in default of and until such removal and new appointment may stay proceedings.

Every person duly substituted as Commissioner for a Commissioner duly removed, shall in all respects have the like authority as if he had originally been duly appointed a Commissioner instead of the person for whom he has been substituted.

Oath.

222. The Commissioners shall meet as soon as may be, and each shall, in the presence of the British Court, and before acting on the Commission, take oath to well and truly try the cause to the best of his ability, and according to the evidence, without fear, favour, or affection, either for the nation or for the person of any party.

Sittings.

223. The sittings of the Commission shall be held at the British Consulate.

The Commissioner appointed by the British Court shall preside. He shall maintain order and regularity in the proceedings, and may cause any person wilfully obstructing the proceedings or refusing to obey his lawful orders for the maintenance of order to be removed.

He shall act as the mouthpiece of the Commissioners, saving the right of the other Commissioners to put questions to witnesses at the conclusion of the examination of each witness.

All questions at the sittings shall be decided by the Commissioners, or a majority of them.

Protocollista.

224. The British Court shall appoint a protocollista, who shall be either a lawyer, or an officer of the Court.

The protocollista shall act as Registrar of the Commission at its sittings, and may, if required by the Commissioners, or any of them, give his opinion to the Commissioners on any point of law, or on any question of regularity in the procedure, but shall not otherwise interfere in the

hearing, and shall not enter into any question or discussion with the parties, or any of them.

The protocollista shall take charge of the record and of the notes of evidence, and of all affidavits or depositions received in evidence, and of original documents put in evidence, so long as they ought to remain and do remain in Court, and shall, at the proper time, return such original documents to the parties who have respectively put the same in evidence, or otherwise deal with them as ordered by the Court.

Issues.

225. The Commissioners shall decide preliminarily on the pleadings what is or are the question or questions raised by the pleadings material for the determination of the real controversy, and the question or questions so ascertained shall be reduced to writing at the first sitting, or at some adjournment thereof, in the form of an issue or issues, and the Commissioners shall then proceed, after notice of the day of hearing, to determine the same on evidence.

Amendment of pleadings.

226. If at the sitting of the Commissioners to settle issues, or at the hearing, it appears to the Commissioners, or the majority of them, that any amendment in the pleadings is necessary for the purpose of raising and determining the real question or questions in controversy between the parties, and the Commissioners, or the majority of them, certify the same to the Court in writing, specifying the amendments which they think ought to be made, the Court may allow such amendments, or any of them, to be made, and the Court may give effect by its order to any recommendation of the Commissioners as to the terms, if any, upon which such amendments, or any of them, are to be permitted.

Application to Court by motion before hearing.

227. If either party is dissatisfied with any decision of the Commissioners, with regard to the settlement of issues, or with regard to any matter or question arising in the suit before the hearing, he may apply to the Court by motion for the reversal or variation of such decision.

Appeal to Supreme Consular Court.

An appeal lies to the Supreme Consular Court from any decision of a Provincial Consular Court in the suit, in like manner in all respects as in a suit between British subjects.

Notice of hearing.

228. The day of hearing shall be fixed by the British Court, with the assent of the Commissioners, or any two of them, testified by writing under their hands; and notice thereof shall be given to all parties respectively through their respective Consulates, or through the proper local authority (as the case may require), and shall be posted up in the British Court.

The notice shall allow ten clear days from the date thereof to the day fixed for the hearing, unless the Court, with the assent of all the Commissioners, testified by writing under their respective hands, allows shorter notice.

The fees for such notice shall be in the first instance chargeable to the plaintiff, and payable out of his deposit, and shall be costs in the cause.

Orders for witnesses.

229. After the day of hearing has been appointed, the parties may apply for and obtain orders for the attendance of their respective witnesses in the same manner as in suits between British subjects.

Absence of Commissioner at hearing.

230. On the day fixed for the hearing, if all the Commissioners are not present, the Commissioner or Commissioners attending may proceed, with leave of the British Court first obtained, to hear and determine the cause.

The Court, before granting such leave, shall inquire into the cause of the absence of the absent Commissioner or Commissioners, and having regard to any ascertained or probable reasonable excuse for such non-attendance, may refuse such leave and direct an adjournment on the application of either party.

In case the parties are severally willing that the cause should be heard and determined by the Commissioners or Commissioner present, or that some person or persons (as the case may require) then ready and willing to act should be named by the British Court to act as Commissioner or Commissioners in the place of the absent Commissioner or Commissioners, the Court may make an order accordingly.

231. The proceedings at the hearing shall be had, as nearly as may

What procedure and law to be followed.

be, in the like manner as before the Court itself, and the Commissioners shall, unless by consent of the several parties, be bound to hear and determine the question or questions at issue by and according to the law administered by the British Court between British subjects.

In case the parties consent, either by themselves or by their respective attorneys, that the question or any of the questions at issue between them shall be heard and determined according to the provisions of any particular code or system of law, the Commissioners may and shall so hear and determine the same accordingly:

Provided that such consent shall be entered on the minutes of proceedings, and that no such consent shall entitle the Commissioners to adopt the procedure of such code or system, or to exclude testimony of the parties or others, or any other evidence admitted by the law of England, and no evidence shall be received which would not be admissible by the law of England.

Evidence.

232. Evidence, if given *vivâ voce*, shall be on oath, and evidence may be received on affidavit or deposition, under circumstances in which the same might be received before the Court itself.

The presiding Commissioner and the protocollista shall, respectively, take a separate note of the substance of the *vivâ voce* evidence as it is given.

The presiding Commissioner shall report to the Court any witness who, without lawful excuse, refuses to be sworn, or who, having been sworn, refuses, without lawful excuse, to answer any question, or to produce any book, paper, or writing which he may be required to answer or to produce respectively, and the Court may proceed on such report to inquire into the matter, and to deal with the person so offending, having regard to the nationality of such person, in like manner as if such refusal had been before the Court itself.

Judgment.

233. The judgment of the Commissioners must be reduced to writing.

It must be final in its nature and dispose of all the questions raised in the suit between the parties.

It must be signed by the Commissioners, or the majority of them.

If the judgment is the judgment of a majority only, the Commissioner dissenting may put in a written protest, before homologation, against such homologation, and state in his protest his opinion as to what the judgment ought to be, with his reasons.

In order to warrant the homologation of a judgment by the Court, the Commissioners, or a majority of them, must agree to and sign the same judgment.

The judgment shall state by whom the costs of the suit are to be borne, but the amount of costs, including the fees payable to the Commissioners, shall in every case on application by either party be taxed and ascertained by the Court.

The judgment shall when signed be forthwith communicated by the Commissioners to the Court, with the issue paper (if any) annexed thereto, but shall not be communicated to the parties or any of them until after homologation.

Homologation of judgment.

234. The Court shall examine the pleadings, evidence, and judgment, and unless on the face of the proceedings it appears that the Commissioners have exceeded their authority, or that the judgment is not final in its nature, or is otherwise substantially defective or improper, or impossible to be executed, the Court shall homologate the same, and by such homologation the judgment shall have the force and virtue of a Consular judgment in the suit as of the date of such homologation.

Refusal to homologate.

235. In case the Court does not think fit to homologate the judgment it shall refer the same back to the Commissioners with a copy of the order for such reference, and in such order shall be briefly set forth by the Court the grounds on which homologation is refused.

The Commissioners on such reference back may reconsider the said judgment, and they, or the majority of them, may, within fourteen days from such order of reference or such longer period as the Court may allow, send in a revised judgment for homologation, on which the Court shall proceed in the same way as on the original judgment.

Appeal or reference to Supreme Consular Court on refusal.

236. In case the Commissioners, or a majority of them, refuse or neglect within the proper period to send in a revised judgment, or in case any revised judgment sent in is also, in the opinion of the Court, unfit to be homologated, any party may, either,—

(i.) appeal by motion to the Supreme Consular Court against the refusal to homologate; or,

(ii.) apply that the suit may stand referred to the Supreme Consular Court, and on such application, and on the party applying providing for the costs of the reference as the Provincial Consular Court may direct, the pleadings, evidence, unhomologated judgment, and generally all papers in the cause, shall be made up as in a record of appeal, and transmitted to the Supreme Consular Court; and, on any such appeal or reference (as the case may be) proceedings shall be had, as nearly as may be, as on appeal from the decree of a Provincial Consular Court in a suit between British subjects.

Appeal on homologation.

237. Where the judgment of the Commissioners is homologated, either party may appeal to the Supreme Consular Court; and proceedings shall be had thereon, as nearly as may be, as on appeal from the decree of a Consular Court in a suit between British subjects.

XI.—Suits by Foreigners.

Cross-suit or counter-claim.

238. No cross-suit or counter-claim shall be instituted or brought against a foreign plaintiff, who has submitted to the jurisdiction, by any defendant in the suit, without the leave of the Court first obtained.

The Court, before permitting such a cross-suit or counter-claim, shall require to be satisfied by the defendant that the same does in fact arise out of the subject matter in dispute, and that there is reasonable ground for the same, and that it is not instituted or brought for the purpose of vexation or delay; and in case the Court is not so satisfied, it shall only permit the British defendant to institute or bring the cross-suit or counter-claim before the ordinary mixed tribunal, and shall not require the foreign plaintiff to submit to the jurisdiction of the British Court in the matter of such cross-suit or counter-claim before proceeding in the suit in which the foreigner is plaintiff.

Stay or set-off of execution.

239. The Court may, in its discretion, on the application of the defendant, stay execution of a decree obtained against him by a foreign plaintiff pending a suit in which the same defendant is plaintiff and the foreign subject defendant, and may set off any decree finally obtained in the latter suit against the former decree.

The same, where there are two or more defendants.

240. Where a foreign plaintiff obtains a decree against two or more British defendants jointly in a Consular Court, and one of those defendants is plaintiff in a suit then pending, in which the foreigner is defendant, the Court may, in its discretion, stay execution of the decree pending the latter suit, and in case the British subject who is plaintiff therein obtains final judgment against the foreigner, may set off the amount of the one decree against the other, leaving to the British subject the right to require contribution from his co-defendants under the joint liability.

Foreigner co-plaintiff with British subject.

241. Where a foreigner is co-plaintiff in a suit with a British subject who is within the particular jurisdiction, it shall not be necessary for the foreigner to make any deposit or give any security for costs, unless the Court so directs, but the British co-plaintiff shall be responsible for all the fees and costs.

XII.—Arbitration.

In what cases these rules apply.

242. The following rules respecting arbitration apply exclusively to cases where the agreement for reference to arbitration or submission to arbitration by consent is made a rule of a Consular Court.

Time for award.

243. An arbitrator shall make his award within one calendar month after he has entered on the reference or has been called upon to act by a notice in writing from any party, unless the document authorizing or making the reference contains a different limit of time.

Enlargement of time.

244. The Court may, if it thinks fit, on reasonable notice to all parties, from time to time enlarge the time for making the award for such time as it may think fit, the reasons for such enlargement being recorded in the minutes of proceedings.

When umpire may enter on reference.

245. An umpire may enter on the reference in lieu of the arbitrators, if the latter have allowed their time, or their extended time, to expire without making an award, or have filed in the Court a notice in writing that they cannot agree.

Revocation of authority.

246. The authority of an arbitrator or umpire is not revocable except by the Court.

Special case.

247. Where it appears to the arbitrator or umpire that any difficult question of law is involved in or raised by the facts as finally ascertained by them or him, they or he may, if it seems fit, state the award (as to the whole or any part thereof) in the form of a special case for the opinion of the Court having jurisdiction in the matter, or of the Supreme Consular Court.

The Court shall consider and deliver judgment on such case, and shall be at liberty to draw inferences of fact from the facts stated, and to amend the case, or remit it for amendment by reason of any irregularity, mistake, or imperfection.

Costs.

248. The arbitrators or umpire shall have power to award how the costs of the reference shall be borne, in the whole or in part; provided that any award as to costs shall not preclude the party or parties against whom costs are awarded from applying to the Court to tax the costs; and on such application such costs, including the remuneration (if any) of the arbitrators and umpire, or any of them, shall be taxed at a reasonable rate by the Court, and the Court shall make such order regarding the costs of taxation as justice may require.

Form and contents of award.

249. Every award must be in writing signed by the arbitrator or umpire making the same.

It must contain a conclusive finding, and may not find on the contingency of any matter of fact being afterwards substantiated or deposed to. It must comprehend a finding on each of the several matters referred.

Deposit of award.

250. The arbitrator or umpire making an award shall within the time limited deposit the award in the Court, inclosed in a sealed envelope, and endorsed with the names of the parties to the reference, and the amount claimed by the arbitrators and umpire for remuneration.

Notice thereof.

Notice of the award having been deposited shall be given by the Court to the parties, who shall be at liberty to read the award and to have copies of it.

Application against award.

251. Any person interested may within seven days after notice of the award apply to the Court by motion against the award, or any specific part of it, being carried into effect.

Order of Court.

252. If no such motion is made, the Court shall proceed on reasonable notice to all parties, to make such order for carrying into effect the award or any part thereof, and as to costs and other things, as may seem just.

Remitting of matters referred.

253. The Court shall have power at any time, and from time to time, to remit the matters referred, or any of them, to the reconsideration and redetermination of the arbitrators or umpire, on such terms as to costs and other things as may seem just.

Irregularity.

254. The Court shall not refrain from carrying an award into effect merely on the ground of irregularity in the submission, or during the reference, where such irregularity has not been substantially prejudicial to the party applying against the award.

Protocollista.

255. No protocollista shall be recognised by the Court in an arbitration, nor shall any costs be allowed as between parties for the employment of a protocollista.

XIII.—Affidavits and other Evidence.

Affidavits.

Language.

256. Every affidavit used in the Court must be either in English, or in the usual and familiar language of the witness swearing it.

An affidavit in any language other than English, French, or Italian, must be accompanied by a sworn translation into English, French, or Italian, procured by and at the expense of the person using the affidavit.

Form.

257. Every affidavit sworn before any British Consular officer in the Ottoman dominions, in the matter of any suit or other proceeding, must be

headed in the Court, and in the suit or proceeding in which the affidavit is to be used.

It must state the full name, trade or profession, address and nationality, of the witness.

It may be in the first or in the third person, and may be divided into convenient paragraphs numbered consecutively.

Contents.

258. Every affidavit used in the Court must contain only a statement of facts and circumstances to which the witness swears, either on his own personal knowledge, or from information which he believes to be true.

It must not contain any extraneous matter, by way of objection, prayer, or legal argument or conclusion; and every statement must be as brief and positive as may be consistent with proper fulness and with truth.

The matter of fact sworn to, whether in affirmation or denial, if within the knowledge of the witness, must be sworn to positively and certainly.

Where a witness swears to his belief in any matter of fact, such belief arising from any source other than his own personal knowledge, he must set forth explicitly the facts and circumstances forming the ground of his belief.

Where the belief in the truth of the matter of fact sworn to arises from information received from another person, the name of such person must be stated, and such particulars must be given as to the informant, and as to the time, place, and circumstances of the information, as may afford means to other parties to verify or contradict the same.

Erasures, interlineations, alterations, bad writing.

259. Where an affidavit is to be sworn before a British Consular officer in the Ottoman dominions, any erasure, interlineation, or alteration made before the affidavit is sworn, shall be attested by the Consular officer, who shall affix his signature or initials in the margin immediately opposite to the erasure, interlineation, or alteration.

Where there are many erasures, interlineations, or alterations, so that the affidavit proposed to be sworn is illegible, or difficult to read, or is in the judgment of the Consular officer before whom it is proposed to be sworn so written as to give any facility for being added to or in any way fraudulently altered, he may refuse to take the affidavit in its existing form, and may require it to be re-written in a clear and legible and unobjectionable manner.

Before whom affidavits may be sworn.

260. An affidavit sworn before any British Consular Officer authorized to take affidavits, before any Judge, Officer, or other person in the United Kingdom or in any British colony or possession, or in the Ionian Islands, authorized to take affidavits, or before any Mayor or other Magistrate in any foreign country authorised to administer an oath, or in the case of a foreign subject in the Ottoman dominions before his own proper Consular authority, may be used in the Court.

Affidavit defective in form.

261. An affidavit may be used, notwithstanding that it may be defective in form according to these Rules, if the Court is satisfied that it has been sworn before a person duly authorized, and that the form thereof and of the attestation thereto is in accordance with the law and custom of the place where it has been sworn.

Affidavit sworn before attorney in suit.

262. No affidavit shall be admitted which is proved to have been sworn before a person on whose behalf the same is offered, or before his attorney, or before a partner or clerk of his attorney.

Signature of witness.

263. Every affidavit sworn before a British Consular officer in the Ottoman dominions must be signed by the witness, or in the case of a person who cannot write his mark must be subscribed; such signature or mark to be made in the presence of the Consular officer.

Jurat.

264. The jurat or form of attestation by the Consular officer must be written without any interlineation or erasure, and immediately at the foot of the affidavit, and towards the left side of the paper, and must be signed by him, and be attested by his seal.

It must state the date of the swearing of the affidavit, and the place where it was sworn.

It must state that the affidavit was sworn before the Consular officer.

Where the witness is blind or illiterate it must state that fact, and that the affidavit was read over to him in the presence of the Consular officer, and that the witness appeared perfectly to understand it.

Where the witness is so illiterate as to be obliged to use a mark instead of writing his name, the jurat must state that fact, and that the mark was made in the presence of the Consular officer.

Where two or more persons join in making an affidavit, their several names must be written in the jurat, and it must appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the affidavit.

Alteration and re-swearing.

265. The Consular officer must not allow an affidavit, when once sworn, to be altered in any manner whatsoever without being re-sworn.

If the jurat has been added and signed, a new jurat must be added if the affidavit is re-sworn; and in the new jurat mention must be made of the alteration.

Any Consular Officer before whom an affidavit is proposed to be re-sworn after alteration may refuse to allow the same to be re-sworn, and may, in lieu thereof, require the witnesses to make a fresh affidavit.

Amendment.

266. A defective or erroneous affidavit may be amended and re-sworn, by special leave of the Court in which it is to be used, on such terms as to time, costs, and other things, as may be just.

Costs.

267. Where an affidavit used in the Court is not in accordance with these rules, the Court may make such order respecting the costs of or connected with the affidavit as may be just.

Filing of original. Office copy.

268. Before an affidavit is used in the Court, the original must be filed in the Court, and an office copy (that is, a copy sealed with the seal of the Court as evidence of its being a correct copy, and either made under the direction of the Court or produced to the Court for examination and sealing), shall alone be recognized for any purpose in the Court.

Other Evidence.

Vivâ voce evidence on interlocutory or other application.

269. On hearing of any interlocutory or other application in a suit or matter, the Court may, if it thinks it just and expedient, for reasons to be recorded in the minutes of proceedings, summon a British subject to attend to produce documents before it, or to be examined, or to be cross-examined and re-examined, *vivâ voce*, by or before it, in like manner as at the hearing of a suit.

Such notice as the Court may in each case, according to the circumstances, consider to be reasonable shall be given to the person summoned, and to such persons (parties to the suit or proceeding or otherwise interested) as the Court may consider entitled to inspect the documents to be produced, or to examine, cross-examine, or re-examine the person summoned, or to be present at his examination, cross-examination, or re-examination, as the case may be.

The evidence of a witness on any such examination, cross-examination, or re-examination, shall be taken in like manner, as nearly as may be, as evidence at the hearing of a suit.

Vivâ voce evidence taken as preparatory to hearing.

270. Where the circumstances of the case appear to the Court so to require, for reasons to be recorded in the minutes of proceedings, the Court may, in like manner, take the evidence of any witness at any time in the course of the proceedings in any suit or application as preparatory to the hearing of the suit or application, and the evidence so taken may be used at the hearing of the suit or application, saving just exceptions.

The evidence shall be taken in like manner, as nearly as may be, as evidence at the hearing of a suit, and then the note of the evidence shall be read over to the witness and tendered to him for signature, and if he refuses to sign it the Court shall add a note of his refusal, and the evidence may be used as if he had signed it.

Evidence before suit instituted.

271. Evidence may be taken in like manner on the application of any person, before suit instituted, where it is shown to the satisfaction of the Court on oath that the person applying has good reason to apprehend that a suit will be instituted against him in the Court, and that some person within the particular jurisdiction at the time of application can give

material evidence respecting the subject of the apprehended suit, but that he is about to leave the particular jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it be not at once taken.

Witness dead, insane, or not appearing.

Proof of former evidence.

272. Where any person who might give evidence in any suit or matter is dead or insane, or unavoidably absent at the time his evidence might be taken, or cannot for any reason appearing sufficient to the Court appear to give evidence in the suit or matter, the Court may, if it thinks fit, receive proof of any evidence which may have been given by him in any former judicial proceeding; provided that the subject matter of such former judicial proceeding was substantially the same as that of the existing suit, and that the parties to the existing suit were parties to it or bound by it, and had an opportunity in it of cross-examining the witness whose evidence proof is so to be given.

Oath.

When may be dispensed with.

273. On any occasion the Court may, if it thinks it just and expedient for reasons to be recorded in the minutes of proceedings, take without oath the evidence of any person objecting on grounds of conscience to take an oath, the fact of the evidence having been so taken without oath being also recorded in the minutes of proceedings.

Admission of Documents.

Notice to admit.

274. Where all parties to a suit are competent to make admissions, any party may call on any other party by notice filed in the Court, and served under order of the Court, to admit any document, saving just exceptions.

Costs.

In case of refusal or neglect to admit, the costs of proof of the document shall be paid by the party so neglecting or refusing whatever the result of the cause may be, unless the Court is of opinion that the refusal to admit was reasonable.

No costs of proof of any document shall be allowed unless such notice has been given, except in cases where the omission to give the notice has in the opinion of the Court produced a saving of expense.

XIV.—Miscellaneous Provisions.

Attorneys and Agents.

In whose name, and how, proceedings to be taken.

275. Every person doing any act or taking any proceeding in the Court as plaintiff, or otherwise, must do so in his own name and not otherwise, and either by himself or by his attorney, procurator, or agent thereunto lawfully authorized in writing.

Filing of power of attorney.

276. Where such act is done or proceeding taken by an attorney, procurator, or agent, the power of attorney, or instrument constituting the procurator or agent, or a duly legalized copy thereof, must be filed in the Court before or at the commencement of the proceedings.

Where the authority is special and has reference only to the particular proceeding to be taken, the original document itself must be filed.

Where the authority is general or has reference to other matters in which the attorney, procurator, or agent is empowered to act, a duly legalized copy of such document may be filed.

The authority, whether general or special, must be distinct and clear, so as to satisfy the Court that the person professing to act thereon has such authority as he claims to exercise.

Persons proceeding without authority.

277. Any person doing any act or taking any proceeding in the Court in the name or on behalf of another person, not being lawfully authorized thereunto, and knowing himself not to be so authorized, is guilty of a contempt of Court.

Proceedings by or against Partnerships.

In what names.

278. Proceedings by or on behalf of or against a partnership solely or jointly must be taken in the several names of the partners as individuals, and not in the name of the firm or otherwise.

Plaintiff out of Jurisdiction.

Place for service.

279. Where a plaintiff, whether suing alone or suing jointly, is out of the jurisdiction of the particular Court, or is only temporarily resident within it, he must file in the Court, at or before the commencement of proceedings, a written statement of a fit place within the jurisdiction where notice or process may be served on him.

Security for costs.

He must also give security for costs and fees by deposit, or by bond in the penal sum of 100*l.* sterling.

The Court may at any time during the suit or proceeding, either on its own motion or on the application of any defendant, order him to give further or better security for costs and fees, and may direct proceedings to be stayed in the meanwhile.

Service.

How to be made.

280. Service of a petition, notice, summons, decree, order, or other document of which service is required by these Rules, or according to the course of the Court, shall be made by an officer of the Court, unless in any case the Court thinks fit otherwise to direct; and no service shall be made under an order of the Court (in writing under the seal of the Court), which may be either indorsed on or subscribed or annexed to the document to be served.

Personal service.

281. Unless in any case the Court thinks it just and expedient otherwise to direct, service shall be personal,—that is, the document or copy to be served shall, together with a copy of the order for service (indorsed, subscribed, or annexed), be delivered into the hands of the person to be served.

Other service.

282. Where it appears to the Court (either with or without any attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either—

(i.) By delivery of the document or copy to be served, together with a copy of the order for service, to some adult inmate at the usual or last known place of abode or business within the particular jurisdiction of the person to be served; or

(ii.) By delivery thereof to some agent within the particular jurisdiction of the person to be served, or to some other person within the particular jurisdiction through whom it may appear to the Court there is a reasonable probability that the document served will come to the knowledge of the person to be served; or

(iii.) By advertisement in some newspaper circulating within the particular jurisdiction; or

(iv.) By notice put up at the Court, or at some other place of public resort within the particular jurisdiction.

Service out of jurisdiction.

283. Ordinarily service shall not be made out of the particular jurisdiction, except under an order for that purpose made by the Court within whose jurisdiction service is to be made, which order may be made on the request of any other Court, and shall in each case direct in which of the modes above-mentioned service is to be effected.

Where, however, the urgency or other peculiar circumstances of the case appear to any Court so to require (for reasons to be recorded in the minutes of proceedings), the Court may order that service be made out of the particular jurisdiction.

Variation of order.

284. Any order for service may be varied from time to time with respect to the mode of service directed by the order, as occasion may require.

Hours for service.

285. Service of a document not required to be served personally must be made before five o'clock in the evening.

If made after that hour on any day but Saturday, it shall be considered as made on the following day.

If made after that hour on Saturday, it shall be considered as made on the following Monday.

Sundays and holydays.

286. No service in a civil suit shall be made on Sunday, Christmas day, or Good Friday, or, where the person to be served is a member of the Greek Church, on the Greek Christmas day or Good Friday.

Absconding Defendant.

Bail.

287. Where the Court is satisfied by evidence on oath that there is good reason to believe that a defendant means to abscond in order to avoid the process of the Court, after suit or other proceedings instituted, the Court may make an order to hold him to bail, and may require of him such security as may seem fit for his remaining within the particular jurisdiction, and abiding by any decree or order that may be made in the suit or proceedings.

Costs.

Discretion of Court.

288. The costs of the whole suit and of each particular proceeding therein are in the discretion of the Court; but the Court shall not order the successful party in a suit to pay to the unsuccessful party the costs of the suit generally, although the Court may order him, notwithstanding his success in the whole suit, to pay the costs occasioned by any particular proceeding therein.

Paupers.

Pauper plaintiff; defendant.

289. The Court may admit any person to sue *in formâ pauperis* on being satisfied of his poverty, and that he has *primâ facie* a case proper for some relief in the Court; and may admit any person to defend *in formâ pauperis* on being satisfied of his poverty.

Counsel or attorney for pauper.

290. If in any case the Court should think fit to assign a counsel or attorney to assist a person admitted to sue or defend *in formâ pauperis*, the counsel or attorney so assigned may not refuse his assistance, unless he satisfies the Court of some good reason for refusing.

Pauper dispaupered for giving fee;

291. If a pauper gives or agrees to give any fee, profit, recompense, or reward for the despatch of his business in Court, he shall be deemed guilty of a contempt of Court, and he shall also be forthwith dispaupered, and shall not be afterwards admitted again in that suit to sue or defend *in formâ pauperis*.

or for insufficient poverty.

292. A person admitted to sue or defend *in formâ pauperis* may be dispaupered by order of the Court, on its appearing that he was not when admitted, or no longer is, of sufficient poverty, or that he is abusing his privilege by vexatious proceedings.

Computation of Time.

Days.

293. Where by these rules, or any special Order, or the course of the Court, any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, and such time is not limited by hours, the computation of such limited time does not include the day of such date or of the happening of such event, but commences at the beginning of the next following day, and the act or proceeding must be done or taken at the latest on the last day of such limited time according to such computation.

Sundays and Holydays when not reckoned.

294. Where the limited time so appointed or allowed is less than six days, the following days shall not be reckoned in the computation of such time, namely, Sundays, Good Friday, Monday and Tuesday in Easter week, Christmas day, and the day next before and the day next after Christmas day.

Time expiring on Sunday or Holyday.

295. Where the time for the doing of any act, or the taking of any proceeding, expires on one of the days last mentioned, the act or proceeding shall be considered as done or taken in due time if done or taken on the next day afterwards that is not one of the last-mentioned days.

Time in case of security for costs,

296. The day on which an order that a plaintiff to give security for

costs is served, and the time thenceforward until and including the day on which such security is given, shall not be reckoned in the computation of the time allowed to a defendant for putting in his answer.

Supplemental Statement.

Facts or circumstances occurring after suit.

297. Facts or circumstances occurring after the institution of a suit may, by leave of the Court, be introduced by way of amendment into the petition or answer (as the case may require) at any stage of the proceedings, and the Court may make such order as may seem just respecting the proof of such facts or circumstances, or for affording all parties concerned leave and opportunity to meet the statements so introduced.

Death of Party or other Change.

Change or transmission of interest or liability.

298. Where, pending a suit, any change or transmission of interest or liability occurs in relation to any party to the suit, or any party to the suit dies or (being a woman) marries, or the suit is in any other way rendered defective or incapable of being carried on, any person interested may, on motion *ex parte*, obtain from the Court such order as may be requisite for curing the defect, or enabling or compelling proper parties to carry on the proceedings.

But it shall be open to any person served with such an order within such time, not exceeding fourteen days, as the Court may in the order direct, to apply to the Court by motion to discharge such order.

Adjournment.

Power of Court.

299. Nothing in these Rules shall be deemed to affect the power of the Court (for reasons to be recorded in the minutes of proceedings) to defer or adjourn the hearing or determination of any suit, matter, proceeding, or application, for such time and on such terms (if any) as the justice of the case may require.

Amendment.

Power of Court.

300. Nothing in these Rules shall be deemed to affect the power of the Court (for reasons to be recorded in the minutes of proceedings) to order or allow any amendment of any petition, answer, notice, or other document whatever, at any time on such terms (if any) as the justice of the case may require.

Power of Court as to Time.

Enlargement or abridgment.

301. Nothing in these Rules shall be deemed to affect the power of the Court (for reasons to be recorded in the minutes of proceedings) to enlarge or abridge the time appointed or allowed for the doing of any act or the taking of any proceeding on such terms (if any) as the justice of the case may require.

Further enlargement.

302. Where the Court is by these Rules or otherwise authorized to appoint the time for the doing of any act or the taking of any proceeding, or to enlarge the time appointed or allowed for that purpose by these Rules or otherwise, the Court may further enlarge any time so appointed or enlarged by it on such terms (if any) as may seem just, provided that the application for further enlargement is made before the expiration of the time already allowed, and that such further enlargement appears to the Court (for reasons to be recorded in the minutes of proceedings) to be required for the purposes of justice, and not to be sought merely for delay.

Guardian for Purposes of Suit.

In what cases.

303. Where on default made by a defendant in answering or otherwise defending the suit after due service of the petition, it appears to the Court that he is an infant or a person of weak or unsound mind (not so found by inquisition), so that he is unable of himself to defend the suit, the Court may, on the application of the plaintiff or of its own motion, appoint some

fit person to be guardian of the defendant for the purposes of the suit, by whom he may defend the same.

But no such order shall be made except on notice, after expiration of the time for answering, and four days at least before the day named in the notice for the hearing of the application, or for the Court proceeding (as the case may be), served on or left at the dwelling-house of the person with whom or under whose care the defendant was at the time of service of the petition, and also, in the case of an infant not residing with or under the care of his father or guardian, served on or left at the dwelling-house of such father or guardian, unless the Court thinks fit in any case to dispense with such last-mentioned service. Notice.

Obstruction or Disturbance of Court.

304. If any person wilfully obstructs by act or threat an officer of the Court in the performance of his duty; Punishment for.

Or within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court, or the terror of the suitors or others resorting thereto;

Or wilfully insults the Judge, or any Consular officer, or any Juror or Assessor, or any Clerk or Officer of the Court, during his sitting or attendance in Court, or in going to or returning from Court;—

He shall be liable to be immediately apprehended by order of the Court, and to be detained until the rising of the Court, and on due inquiry and consideration to be punished with a fine of not more than five pounds sterling, or imprisonment for not more than seven days, at the discretion of the Court, according to the nature and circumstances of the case.

305. A minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment; and in the case of a Provincial Consular Court, a copy of such minute shall be forthwith sent to the Judge of the Supreme Consular Court. Minute. Copy from Provincial to Supreme Consular Court.

Misconduct of Officers of Court.

306. If any clerk or officer of the Court acting under pretence of the process or authority of the Court is charged with extortion or with not duly paying any money levied, or with other misconduct, the Court may (without prejudice to any other liability or punishment to which the clerk or officer would in the absence of the present provision be liable) inquire into the charge in a summary way, and for that purpose summon and enforce the attendance of all necessary persons in like manner as the attendance of witnesses and others may be enforced in a suit, and may make such order thereupon for the repayment of any money extorted or for the due payment of any money levied, and for the payment of such damages and costs, as the Court may think just: and the Court may also, if it thinks fit, impose such fine upon the clerk or officer, not exceeding 10*l.* sterling for each offence, as may seem just. Inquiry. Order for repayment. Fine.

XV.—Criminal Matters.

1.—*In General.*

307. In the following Rules, as far as they relate to the Supreme Consular Court, the expression "the Court" means or includes, as the case may require, such Consular officer of the Supreme Consular Court as may from time to time be duly authorized to exercise or assist in the exercise of any part of the criminal jurisdiction of that Court. Interpretation of "the Court."

308. A person making a criminal charge (Form 31) against another before the Supreme or other Consular Court must do so in person or by attorney or counsel, or an agent lawfully thereunto authorized. How charge to be made.

309. In every case, whether the charge is or is not such as must or may be heard and determined in a summary way, the Court shall proceed, if the accused is not already in custody, either by way of summons to him Summons or warrant.

(Form 32), or by way of warrant for his apprehension in the first instance (Form 33), according as the nature and circumstances of the case may require.

Summons.

Form of charge.

310. For the issuing of a summons the charge need not be put in writing or be sworn to unless the Court so directs.

Service.

A summons shall be served by the delivery of it to the person summoned personally, or if he cannot be conveniently met with then by its being left at his usual or last known place of abode or business within the particular jurisdiction.

Proof of service.

The person effecting service must attend at the time and place mentioned in the summons to prove service if necessary.

Warrant.

In what cases.

311. If the person summoned does not obey the summons the Court may (after proof on oath of due service of the summons) issue a warrant for his apprehension (Form 34).

Notwithstanding the issuing of a summons, a warrant (Form 33) may be issued at any time before or after the time appointed in the summons for the appearance of the accused.

A warrant shall not be issued in the first instance unless the charge is in writing on the oath of the person laying the charge or of some witness.

A warrant need not be made returnable at any particular time, but may remain in force until executed.

Execution:

In another Consular district, when.

It may be executed by the apprehension of the accused at any place within the particular jurisdiction, and in case of fresh pursuit it may be executed at any place in another Consular district, without any application to the Court of that district.

Search Warrant.

In what cases.

312. Where positive proof or probable suspicion is shown to the Court by evidence on oath that any thing on, by, or in respect of which a crime or offence cognizable by the Court has been committed is in any house or place over which, by reason of the nationality of the occupier thereof, the Court has jurisdiction, the Court may issue a warrant to search the house or place, and if any thing searched for be found, to seize it, and apprehend the occupier of the house or place.

Contents.

The warrant shall be directed to some officer by name, who alone shall be entrusted with its execution, but he may be accompanied by any person or persons necessary to assist him in his search.

A general warrant to search shall not be granted, but the particular house or place must be indicated in it.

Force.

If the house or place is closed, and the officer is denied admission, after demanding admission and disclosing his authority and the object of his visit, it may be forced open.

Sunday or Holyday.

The warrant may be issued and may be executed on a Sunday, Christmas Day or Good Friday, as well as on any other day, where the urgency of the case so requires.

Day: night.

Where there is probable suspicion only, the warrant must be executed in the day time: where there is positive proof, it may be executed in the night time.

Witnesses.

Summons.

313. Where it is shown to the Court, on oath, that any British subject within the particular jurisdiction is likely to give material evidence, either for the prosecution or for the defence, and will not voluntarily attend to give evidence at the preliminary examination, or in summary cases at the hearing of the charge, the Court shall issue a summons (Form 35) for his attendance.

Warrant after summons.

314. If the person summoned does not obey the summons, and does not excuse his failure to the satisfaction of the Court, then (after proof on

oath of due service of the summons), the Court may issue its warrant (Form 36) to compel his attendance.

Warrant in first instance.

315. Where it is shown to the Court on oath that any British subject within the particular jurisdiction is likely to give material evidence either for the prosecution or for the defence, and that it is probable he will not attend to give evidence at the preliminary examination, or in summary cases at the hearing of the charge, unless compelled to do so, then instead of issuing a summons the Court may issue a warrant (Form 37) in the first instance.

Refusal to take oath or to answer.

316. If on the appearance of the person summoned, either in obedience to a summons, or on being brought up by virtue of a warrant, he refuses to take an oath, or having taken an oath to answer any question put to him, and does not excuse his refusal to the satisfaction of the Court, then the Court may, by warrant (Form 38), commit him to prison, there to remain for not more than seven days, unless he in the meantime consents to answer duly on oath.

Apprehension on Sunday or Holyday.

In what cases.

317. A warrant for apprehension or commitment, or other purpose, may be issued and may be executed on a Sunday, Good Friday, or Christmas Day, as well as on any other day, where the urgency of the case so requires.

2.—*Proceedings by Preliminary Examination and Indictment.*

Preliminary Examination.

Depositions.

318. Where the accused comes before the Court on summons or warrant, or otherwise, the Court, before committing him to prison for trial, or admitting him to bail, shall, in his presence, take the depositions on oath (Form 39) of those who know the facts and circumstances of the case, and shall put the same in writing.

Questions by accused.

319. The accused shall be at liberty to put questions to any witness produced against him, and the statements of any witness in answer thereto shall form part of such witness's deposition.

Signature of deposition.

320. The deposition of each witness shall be read over to the witness, and shall be signed by him.

Witness dead or ill.

321. If on the trial of the accused it is proved on oath that any person whose deposition has been taken, is dead or is so ill as not to be able to travel, and that his deposition was taken in the presence of the accused, and that he or his counsel or attorney had full opportunity of cross-examining the witness, the deposition may be read as evidence in the prosecution without further proof thereof.

Variance of evidence.

322. No objection at the preliminary examination to any charge, summons, or warrant, for any defect in substance or form, or for any variance between it and the evidence adduced on the part of the prosecution, shall be allowed; but if any variance appears to the Court to be such that the accused has been thereby deceived or misled, the Court may, on the request of the accused, adjourn the examination, and in the meantime remand the accused or admit him to bail.

Statement of Accused.

How to be taken.

323. After the examination of all the witnesses on the part of the prosecution is completed, the Court shall, without requiring the attendance of the witnesses, read over to the accused the depositions taken against him, and shall then say to him these words:—

"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you on your trial. And I give you clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, that may have been held out to you to induce you to make any admission or confession of your guilt; but whatever you may now say may be given in evidence against you upon your trial, notwithstanding such promise or threat."

Whatever the accused then says in answer thereto shall be taken down in writing (Form 40), and shall be read over to him, and shall be kept with the depositions of the witnesses, and afterwards, on the trial of the accused, the same may be given in evidence against him without further proof thereof.

Confession.

324. Nothing in the foregoing Rules, however, is to prevent the prosecutor from giving in evidence any admission or confession or other statement of the accused made at any time, which would, by law, be admissible as evidence against him.

Publicity.

Examination of this kind not public.

325. The room or place in which the preliminary examination is held is not an open or public Court for that purpose, and the Court may, in its discretion, in case it appears to it that the ends of justice will be best answered by so doing, order that no person have access to, or be or remain in, the room or place without the express permission of the Court.

Recognizance to prosecute or give Evidence.

Prosecutor or witnesses to enter into recognizance.

326. The Court may, at the preliminary examination, bind by recognizance (Form 41) the prosecutor and every witness to appear at the Court at which the accused is to be tried, to prosecute, or to prosecute and give evidence, or to give evidence (as the case may be).

A notice of each recognizance (Form 42) shall at the same time be given to the person bound thereby.

If a witness refuses to enter into a recognizance the Court may, by warrant (Form 43), commit him to prison, there to remain until after the trial of the accused, unless in the meantime he duly enters into a recognizance.

But if afterwards, from want of sufficient evidence or other cause, the accused is not either committed for trial or held to bail, the witness shall be discharged from custody by direction of the Court.

Remand.

In what cases.

327. If from the absence of witnesses or any other reasonable cause the Court considers it necessary or advisable to defer or adjourn the preliminary examination, the Court may, by warrant (Form 44), from time to time remand the accused for such time as may seem reasonable, not exceeding eight days, to some prison or other place of security:

Custody during remand.

Or if the remand is for not more than three days the Court may, by word of mouth, order the officer or person in whose custody the accused is, or any other fit officer or person, to continue or keep the accused in his custody, and to bring him up at the time appointed for commencement or continuance of the examination.

During the period of remand the Court may, nevertheless, order the accused to be brought before it.

Instead of detaining the accused in custody during the period of remand the Court may discharge him, on his entering into a recognizance, with or without a surety or sureties as the Court may think fit (Form 45), for his appearance.

A notice of each recognizance (Form 46) shall at the same time be given to each person bound thereby.

Commitment.

In what cases.

328. When all the evidence adduced at the preliminary examination on the part of the prosecution has been heard, if the Court is of opinion that it is not sufficient to put the accused on his trial, the Court shall forthwith order him, if in custody, to be discharged as to the particular charge in question.

If, on the contrary, the Court is of opinion that the evidence is sufficient to put the accused on his trial, the Court shall either by warrant

(Form 47) commit him to prison, there to remain till delivered by due course of law, or admit him to bail.

Bail.

Where discretionary.

329. Where the accused is charged with—
Felony;
Assault with intent to commit felony;
Attempt to commit felony;
Obtaining or attempting to obtain property by false pretences;
Receiving stolen property, or property obtained by false pretences;
Perjury, or subornation of perjury;
Concealing the birth of a child by secret burying or otherwise;
Wilful or indecent exposure of the person;
Riot;
Assault on a constable or officer of the Court in the execution of his duty, or on any person acting in his aid;
Neglect or breach of duty as a constable or officer of the Court;—
It shall be in the discretion of the Court to admit him to bail, either in the first instance, instead of committing him to prison for trial, or at any time after his commitment and before trial.

Where ordinarily to be taken.

Where the accused is charged with any indictable misdemeanour other than those hereinbefore described, the Court shall ordinarily admit him to bail.

In murder or treason.

330. A person charged with murder or treason can be admitted to bail by the Judge of the Supreme Consular Court only.

Power of Judge of Supreme Consular Court.

331. The Judge of the Supreme Consular Court may, on good grounds, admit any person to bail, although the Provincial Consular Court before which the charge is made does not think fit to do so.

Form of bail.

332. The accused who is to be admitted to bail is to produce such surety or sureties as, in the opinion of the Court, will be sufficient to ensure his appearance at the time and place when and where he is to be tried, and with such surety or sureties to enter into a recognizance accordingly (Form 45).

A notice of each recognizance (Form 46) is at the same time to be given to each person bound thereby.

Privileges of Accused.

Copies of depositions to accused.

333. At any time after the preliminary examination has been completed the accused is entitled to have copies of the depositions on which he has been committed for trial, or held to bail, on payment of a reasonable sum not exceeding 6*d.* for every 100 words, or gratis if the Court so directs.

The Court shall, at the time of commitment or of holding to bail, inform the accused of his rights in this respect.

Preparations for Trial.

Transmission of depositions and other documents to Court.

334. The written charge (if any), the depositions, the statement of the accused, the recognizances of prosecutor and witnesses, and the recognizance of bail (if any) shall be carefully transmitted in proper time to the Court at which the trial is to be held.

Indictment.

Course of proceedings on trials on indictments.

335. A trial before the Judge or an officer of the Supreme Consular Court, with a Jury, and the proceedings before and after trial relative thereto, shall be conducted as nearly as may be as a criminal trial before a Judge with a jury and the corresponding proceedings is and are conducted in England.

Other criminal trials with or without a jury, or with Assessors, and the proceedings before and after trial relative thereto, shall be conducted in like manner, *mutatis mutandis.*

Conduct of prosecution at Constantinople.

336. In criminal cases to be tried at Constantinople before the Supreme Consular Court, whether with or without a jury, the depositions when

completed shall forthwith be delivered to the Law Secretary as prosecutor on behalf of the Crown, who shall thereupon take all proper steps for indicting and bringing to trial the accused, and shall conduct the prosecution in Court at the trial; and no such prosecution shall be under the direction or conduct of any private prosecutor.

Any private prosecutor may, however, retain any member of the English, Irish, or Scottish Bar, or any regular and duly qualified advocate of a foreign nationality, to assist in the prosecution, and such barrister or advocate may, with the assent of the prosecutor for the Crown, appear in Court at the trial and take part in the prosecution; but no such prosecution shall be withdrawn or abandoned without the express consent of the Law Secretary as prosecutor for the Crown given in open Court.

3.—*Summary Proceedings.*

Extent of following Rules.

337. The following Rules apply exclusively to cases where the charge is intended to be heard and determined in a summary way.

Hearing.

Non-appearance of prosecutor.

338. Where the accused comes before the Court on summons or warrant, or otherwise, either originally or on adjournment, then if the prosecutor, having had due notice of the time and place appointed for the hearing or adjourned hearing of the charge, does not appear in person or by counsel or attorney, the Court shall dismiss the charge, unless for some reason it thinks proper to adjourn or further adjourn the hearing, with or without imposing any terms.

Custody in case of adjournment.

339. In case of adjournment the Court may acquit the accused in the meantime to prison or to such other custody as it thinks fit, or may discharge him on his entering into a recognizance (Form 45) with or without a surety or sureties, at the discretion of the Court, for his appearance at the time and place of adjournment.

A notice of each recognizance (Form 46) is at the same time to be given to each person bound thereby.

Both parties appearing.

340. If both parties appear in person, or by counsel or attorney, the Court shall proceed to hear and finally determine the charge.

Conduct of charge;

341. The prosecutor shall be at liberty to conduct the charge, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf.

Of defence.

342. The accused shall be admitted to make his full answer and defence to the charge, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf, and if he does not employ counsel or attorney, he shall, at the close of the examination of each witness for the prosecution, be asked by the Court whether he wishes to put any questions to the witness.

If he puts any question to a witness, such witness may be re-examined.

Publicity.

343. The room or place in which the Court sits to hear and determine the charge is an open and public Court to which the public generally may have access as far as the room or place can conveniently contain them.

Admission of charge by accused.

344. The substance of the charge shall be stated to the accused, and he shall be asked if he has any cause to show why he should not be convicted.

If he thereupon admits the truth of the charge and shows no sufficient cause why he should not be convicted, the Court may convict him accordingly.

Evidence for prosecution.

If he does not admit the truth of the charge, the Court shall proceed to hear the prosecutor and such witnesses as he may examine and such other evidence as he may adduce in support of his charge.

Defence.

On the termination of the whole evidence in support of the charge, if it appears to the Court that a *primâ facie* case is made out against the accused, he shall be asked if he wishes to say anything in answer, or has any witnesses to examine or other evidence to adduce in his defence; and

the Court shall then hear the accused and his witnesses and other evidence, if any.

345. If the accused adduces in his defence any evidence other than evidence to character, the prosecutor may, if the Court thinks fit, be allowed to adduce evidence in reply thereto, but the prosecutor shall not in any case be allowed to make any observations by way of reply to the evidence adduced by the accused, nor shall the accused in any case be allowed to make any observations on evidence adduced by the prosecutor in reply. Evidence in reply.

346. A variance between the charge and the evidence adduced in support of it as to the time at which the alleged crime or offence was committed shall not be deemed material if it be proved that the charge was in fact made within the time (if any) limited by law for the making thereof. Variance between charge and evidence.

But if any variance between the charge and the evidence appears to the Court to be such that the accused has been thereby deceived or misled, the Court may adjourn the hearing.

Adjournment.

347. At any time before or during the hearing of the charge the Court may, in its discretion, for any good cause recorded in the minutes of proceedings, adjourn the hearing. Hearing may be adjourned in discretion of Court.

An adjournment ordered for any cause shall be made to a certain time and place, to be at the time of adjournment appointed and stated in the presence and hearing of the parties or their respective counsel or attorneys.

During the period of adjournment the Court may in its discretion, according to the nature and circumstances of each case, either suffer the accused to go at large or commit him by warrant (Form 44) to such prison or other place of security, or to such other safe custody as the Court may think fit, or may discharge him on his entering into a recognizance (Form 45), with or without a surety or sureties, at the discretion of the Court, for his appearance at the time and place of adjournment. Custody during adjournment.

A notice of each recognizance (Form 46) is at the same time to be given to each person bound thereby.

If at any time and place of adjournment of a hearing which has once begun, the accused does not appear in person, or by counsel or attorney, the Court may in its discretion, proceed with the further hearing as if the accused were present.

Decision.

348. The Court having heard what each party has to say as aforesaid and the witnesses, and the evidence adduced, shall consider the whole matter and finally determine the same, and shall either convict the accused or dismiss the charge. Conviction or dismissal.

Conviction.

349. In case of conviction, a minute thereof shall be made, and the conviction (Forms 48, 49) shall afterwards be drawn up in form to be preserved among the records of the Court. Minute.

Dismissal.

350. In case of dismissal of the charge the Court may, if it think fit on being requested so to do, make an order of dismissal (Form 55), and give the accused a certificate thereof (Form 56), which certificate shall, on being produced without further proof, be a bar to any subsequent charge for the same matter against the same person. Certificate.

Costs.

351. In case of conviction the Court may, in and by the conviction, award and order that the person convicted do pay to the prosecutor such costs as may seem just and reasonable, to be specified in the conviction. On conviction.

On dismissal.

352. In case of dismissal the Court may, in and by the order of dismissal, award and order that the prosecutor do pay to the accused such costs as may seem just and reasonable, to be specified in the order of dismissal.

Execution of Conviction or Order of Dismissal.

Imprisonment.

353. Where a conviction does not adjudge the payment of money, but adjudges that the offender be imprisoned, the Court shall issue a warrant of commitment (Form 50) accordingly.

Levying of penalty or other moneys.

354. Where a conviction or order of dismissal adjudges any money to be paid by any person convicted, or any prosecutor, for penalty, compensation, costs, charges, or otherwise, the money to be paid may be levied on the goods of the person adjudged to pay the same by distress and sale under warrant (Forms 52, 57).

Commitment for want of distress.

355. If the officer having the execution of the warrant returns (Form 53) that he could find no goods, or no sufficient goods, whereon to levy the money mentioned in the warrant, together with costs, the Court may by warrant (Forms 54, 58) commit the person adjudged to make the payment to prison for not more than two months, unless the money adjudged to be paid, and all costs and charges of the distress, commitment, and conveyance to prison, to be specified in the warrant of commitment, are sooner paid.

Commitment in lieu of distress.

356. Where it appears to the Court that such distress and sale of goods as aforesaid would be ruinous to the person ordered to pay the money and his family, or (by confession of that person or otherwise) that he has no goods whereon a distress may be levied, then the Court, if it thinks fit, may, instead of issuing a warrant of distress, commit him to prison, with or without hard labour, for not more than two months, unless the money adjudged to be paid, and all costs and charges of the commitment and conveyance to prison, to be specified in the warrant of commitment, are sooner paid (Form 51).

Payment or tender before distress.

357. Any person against whom a warrant of distress issues, may pay or tender to the officer having the execution of the warrant, the sum therein mentioned, together with the amount of the expenses of the distress up to the time of such payment or tender, and thereupon the officer shall cease to execute the same.

Payment after commitment.

358. Any person committed for non-payment may pay the sum mentioned in the warrant of commitment, together with the amount of costs and charges therein mentioned (if any), to the person in whose custody he is, who shall thereupon discharge him if he is in custody for no other matter.

XVI.—General Provisions (Civil and Criminal Matters).

Language of pleadings and documents filed:

359. Pleadings and other documents filed or lodged in the Court shall be in English, French, or Italian, according to the choice of the party filing or lodging the particular pleading or other document.

of notices and documents issued.

360. Notices, summonses, warrants, decrees, orders, and other documents issuing from or drawn up by the Court, shall be in English or Italian, or in English and Italian.

Sealing of notices and other documents.

361. Notices, summonses, warrants, decrees, orders, and other documents issuing from the Court shall be sealed with the seal of the Supreme Consular Court, or the seal of the Consulate-General, Consulate, or Vice-Consulate, from the Court of which they issue (as the case may be).

Observance of procedure of Superior Courts in England.

362. In all matters not in these Rules expressly provided for, the law and procedure of the Superior Courts in England in like cases shall, as far as possible, and subject to duly established local custom, be observed and followed.

Interpretation.

363. In these Rules the words "oath" and "affidavit," and words referring thereto, or to swearing, may be construed to include affirmation and declaration, and to refer thereto, or to the making of an affirmation

or declaration, where an affirmation or declaration is admissible in lieu of an oath or affidavit.

The provisions of Articles 3 and 4 of the Order in Council, under which these Rules are framed, shall apply also to these Rules.

364. The Forms appended to these Rules may be used with such variations as the circumstances of each case may require. Forms.

365. The Fees mentioned below shall be paid. Fees.

366. These Rules shall come into operation on the 1st day of March, 1863, in substitution for the Rules of the 30th day of November, 1860. Time of coming into operation.

Pending proceedings shall be regulated by these Rules as far as the nature and circumstances of each case admit. Pending proceedings.

(Signed) EDMUND HORNBY.

Approved:
(Signed) RUSSELL.

FORMS.

1.

Issue for Decision of Questions of Fact without formal Suit.

In Her Britannic Majesty's Consular Court at [*Smyrna*]
[*Saturday*] the [ ] day of [ ]
18 .

Between *A.B.*
and
C.D.

This Court has ordered that the above-named *A.B.* of [*gentleman*] and the above-named *C.D.* of [*merchant*] may proceed to the trial of the questions of fact to be determined between them without any petition presented or other pleading.

This Court therefore now further orders that the following questions be tried:

1. Whether, &c.
2. Whether, &c.

the said *A.B.* maintaining the affirmative and the said *C.D.* the negative thereof respectively.

(Seal.)

2.

Summons in Summary Procedure for Claims under 20l.

In Her Britannic Majesty's Consular Court at [*Smyrna*]
[*Saturday*] the [ ] day of [ ]
18 .

Between *A.B.* .. .. .. Plaintiff,
and
C.D. .. .. .. Defendant.
[*or*
In the matter of *E.F.* an infant]

To *C.D.* of [*gentleman*] the above-named defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court at [ ] on [ ] the [ ] day of [ ] at o'clock in the [ ] noon on the hearing of a claim [*or* an application] on the part of *A.B.* of [*merchant*] the above-named Plaintiff [*state the precise nature and particulars of the claim, and the amount sought to be recovered, or the precise object of the application, as the case may be.*]

(Seal.)

The following Note is to be added to the original Summons, and when the time is altered by indorsement, the indorsement is to be referred to as below.

NOTE.—If you do not attend either in person or by counsel or attorney at the time and place above mentioned [*or* at the place above mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedient.

3.

Summons to Administrator or Executor for Summary Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*]
[*Saturday*] the [ ] day of [ ] 18 .
In the matter of the property of *A.B.*, late of , deceased.
Between *C.D.* .. .. .. Plaintiff.
and
E.F. .. .. .. Defendant.

To *E.F.*, of , the above-named Defendant, Executor of the above-named *A.B.*

On the application of *C.D.*, of , Esq., the above-named Plaintiff, who claims to be a creditor of the said *A.B.*:

You are hereby commanded in Her Majesty's name to attend this Court at , on [ ] the [ ] day of [ ] at [ ] o'clock in the [ ] noon, and show cause, if you can, why an order for the administration of the property of the said *A.B.*, under the direction of this Court, should not be granted.

(Seal.)

The following note is to be added to the original Summons, and when the time is altered by indorsement, the indorsement is to be referred to as below.

NOTE.—If you do not attend either in person or by connsel or attorney at the time and place above mentioned [*or* at the place above mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedicnt.

4.

Special Summons on Bill of Exchange or Promissory Note.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the [ ] day of [ ] 18 .

Between *A.B.* .. .. .. Plaintiff.

and

C.D. .. .. .. Defendant.

To *C.D.*, of , the above-named Defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court within seven days after service of this summons on you, inclusive of the day of service, and obtain leave from this Court to defend this suit: otherwise *A.B.*, of , the above-named Plaintiff, will be entitled, as of course, to an immediate absolute Decree against you.

(Seal.)

Indorsement on Summons.

The Plaintiff claims [ ] pounds sterling, principal and interest [*or* balance of principal and interest] due to him as the payee [*or* indorsee] of a bill of exchange or promissory note, of which the following is a copy:—

[*Here copy bill or note and all endorsements on it.*]

And if the amount thereof be paid to the Plaintiff within [ ] days from the service hereof, further proceedings will be stayed.

NOTICE.

If the Defendant does not within seven days after having been served with this summons, inclusive of the day of service, obtain leave from the Court to defend this suit, the Plaintiff will be entitled, as of course, at any time after the expiration of those seven days, to an immediate absolute decree, from which there is no appeal, for any amount not exceeding the sum above claimed, and such sum as may be fixed by the Court for costs.

Leave to defend the suit may be obtained on application *ex parte* to the Court, supported by evidence on oath, showing that there is a defence to the suit on the merits, or that it is reasonable that the Defendant should be allowed to defend the suit; or on payment into Court of the sum hereon indorsed.

5.

Petition.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* .. .. .. Plaintiff,

and

C.D. and .. .. } Defendants.
E.F. .. .. .. }

To *X.Y.*, Esquire, Her Britannic Majesty's Consul at [*Smyrna*].

The Petition of *A.B.*, of , [*merchant*], the above-named Plaintiff,

Shows as follows:—

1. [On the 1st day of June, 1859, the Defendant, &c.]
2. [On the next day the Plaintiff wrote and sent a letter to the Defendant, the material parts of which were as follows, &c.]
3. .....
4. .....

The Plaintiff therefore prays:—

1. [That an account may be taken of what is due for principal and interest on, &c.]

2. [That the Defendant may be decreed to pay to the Plaintiff, the amount which shall be so found due within one calendar month, &c.]
3. That the Plaintiff may have such further or other relief as the nature of the case may require.

The Defendants to this Petition are,—
C.D., of , [*merchant*],
E.F., of , [*widow*].

A.B.
[*or* *A.B.*, the Plaintiff,
by *L.M.*, his Attorney.]

6.

Answer.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
Between *A.B.* .. .. .. Plaintiff.
and
C.D. and .. .. } Defendants.
E.F. .. .. .. }

The answer of *C.D.*, one of the above-named Defendants, to the petition of the above-named Plaintiff.

In answer to the said petition I, *C.D.*, say as follows:—
1. .....
2. .....
3. .....

C.D.
[*or* *C.D.*, the Defendant,
by *N.O.*, his Attorney.]

7.

Notice of Transfer of Cause to Hearing Paper.

In Her Britannic Majesty's Consular Court at [*Smyrna*]
[*Saturday*] the [ ] day of [ ] 18 .
Between *A.B.* .. .. .. Plaintiff,
and
C.D. and .. .. } Defendants.
E.F. .. .. .. }
To *A.B.*, the above-named Plaintiff.
[*or*,
To *C.D.*, one of the above-named Defendants.]

This cause will be transferred from the General Hearing List to the Hearing Paper for the day of , 18, and will come on to be heard in its turn on that day, if the business of the Court so permit, or otherwise on some adjournment day, of which you will receive no further notice.

You are desired to pay attention to the following directions:—

If the Plaintiff fails to attend in person or by counsel or attorney on the day named, the case if called on may be struck out, and the Plaintiff will be liable to pay to the Defendant such costs as may be fixed by the Court. Also, the case must be set down in the General Hearing List afresh, by which the Plaintiff will incur delay and expense.

If the Defendant fails to attend in person or by counsel or attorney on the day named, the case if called on may, if the Court shall so direct, be heard and determined in his absence on the evidence adduced on behalf of the Plaintiff, and the Court will issue execution on the judgment so obtained.

If either party has any application to make to the Court to postpone the hearing, it should be made as soon as possible, on application for a summons for that purpose, and if the application is based on any matter of fact, as the absence of a material witness or the like, the facts relied on must be set out and verified in one or more affidavit or affidavits filed in the Court before such application.

If either party considers that the questions between the parties are not fairly raised or put in issue by the pleadings, or thinks that the questions raised are obscure, and that he is prejudiced thereby, he may apply to the Court on summons to settle issues, and such application should be made at once.

The parties are warned that at the hearing they are required to adduce all the testimony, written and oral, which each of them may respectively desire to rely on, in support of his own case and in contradiction of that of his opponent. The proof will be required at the hearing and not on a future day, and parties failing to bring their testimony forward at the proper time may find themselves absolutely precluded from adducing it at all, or at best

only allowed to do so on payment of substantial costs to the other side, and on such other terms as the Court may impose.

Parties desirous to enforce the attendance of witnesses should apply at once to the Court to issue to or to procure from the national authority of the witness required a summons for his attendance.

It is indispensable that the application should be made so as to allow time for a reasonable notice to the witness required.

If the witness is required to bring books or papers, they must be particularized in the summons sufficiently to enable him clearly to understand what is meant.

Any party summoning a witness through the Court, thereby becomes liable to pay such witness a reasonable sum of money to be summarily fixed by the Court for his expenses and loss of time.

The Court will not *enforce* the attendance of a witness unless such sum has been deposited in the Court.

If either party desires to use in evidence at the hearing any book, paper, or document in the possession or power of the other party he must give the other party reasonable notice in writing to produce it at the hearing, failing which he will not be allowed to give any secondary evidence of its contents.

No person is excluded from giving evidence by reason of interest or relationship. The parties themselves, their wives, relations, partners, and servants respectively are competent witnesses.

(Seal.)

8.

Motion Paper.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* .. .. .. Plaintiff.

and

C.D. .. .. .. Defendant.

The Plaintiff [*or as the case may be*] moves that [*here state the terms of the motion*].

9.

Affidavit of attesting Witness in proof of the due Execution of a Will or Codicil dated after 31*st December,* 1837.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I am one of the subscribing witnesses to the last Will [*or* Codicil, [*as the case may be,*] of *A.B.*, late of , deceased, the said Will [*or* Codicil] being now hereto annexed, bearing date , and that the testator executed the said Will [*or* Codicil] on the day of the date thereof, by signing his name at the foot or end thereof [*or* in the testimonium clause thereof, *or* in the attestation clause thereto, *as the case may be*], as the same now appears thereon, (1) in the presence of me and of the other subscribed witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said Will [*or* Codicil] in the presence of the testator.

C.D.

Sworn at , this day of , 18 , before me,

X.Y.

(1) If the signature is is the testimonium clause or attestation clause, insert, "intending the same for his final signature to his will."

10.

Oath for Executor.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of (1) , make oath and say that I believe the paper writing [*or* the paper writings] hereto annexed and marked by me (2) to contain the true and original last Will [*or* last Will with Codicils] of *A.B.*, late of , deceased, and that I am the sole executor [*or* one of the executors] therein named [*or* executor according to the tenor thereof, executor during life, executrix during widowhood, *or as the case may be,*] and that I will

(1) Insert besides the name, &c., of the deponent (Rule 257), his relationship, if any, to the testator.

(2) Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

faithfully administer the personal property of the testator by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend and the law bind me; that I will exhibit an inventory, and render an account of my executorship, whenever lawfully required; that the testator died at on the day of 18 : that at the time of his death he had his fixed place of abode at within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

Where more executors than one are appointed, and all are not sworn, a memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor, or that they have or he has renounced.

C.D.

Sworn at , this
day of ,
18 , before me,
E.F.

11.

Oath for Administrator with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*],
In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I believe the paper writing [*or* the paper writings] hereto annexed, and marked by me (1) to contain the true and original last Will [*or* last Will with Codicils] of *A.B.*, late of , deceased; that the executor therein named is dead without having taken probate thereof [*or as the fact may be*]; that I am the residuary legatee in trust named therein [*or as the fact may be, stating the relationship, if any, of the deponent to the testator*]: that I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the testator died at , on the 18 ; that at the time of his death he had his fixed place of abode at within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

(1) Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

C.D.

Sworn at , this
day of ,
18 , before me,
E.F.

12.

Oath for Administrator (not with Will annexed).

In Her Britannic Majesty's Consular Court at [*Smyrna*].
In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that *A.B.*, late of , deceased, died intestate, a bachelor, without parent, brother or sister, uncle or aunt, nephew or niece, and that I am his lawful cousin german and one of his next of kin [*this must be altered in accordance with the circumstances of the case*]; that I will faithfully administer the personal property of the deceased, by paying his just debts, and distributing the residue of his property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the deceased died at on the day of 18 ; that at the time of his death he had his fixed place of abode at within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

C.D.

Sworn at . this
day of ,
18 , before me,
E.F.

13.

Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of 18 , the last Will [*or* the last Will with Codicils] (a copy whereof is hereto annexed) of *A.B.*, late of , deceased, who died on at , and who at the time of his death had his fixed place of abode at within the jurisdiction of this Court, was proved and registered in this Court; and that the administration of the personal property of the said deceased was granted by this Court to *C.D.*, the sole executor [*or as the case may be*] named in the said Will, he having been first duly sworn.

X.Y.,
H. B. M. Consul at [*Smyrna.*]
(Seal.)

To be written in margin. } *Sworn under £ and that the Testator died on or about the day of 18*

14.

Letters of Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that *A.B.*, late of , deceased, who died on the day of , at , and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, made and duly executed his last Will [*or* his last Will with Codicils thereto], and did therein name [*according to the facts*].

And be it further known, that on the day of , 18 , Letters of Administration with the said Will [and Codicils] annexed of the personal property of the deceased were granted by this Court to *C.D.* [*insert the character in which the grant is taken*], he having been first duly sworn.

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal.)

Sworn under £ and that the Testator died on or about the day of 18

15.

Letters of Administration (not with Will annexed).

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of , 18 , Letters of Administration of the personal property of *A.B.*, late of deceased, who died on 18 , at , intestate, and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, were granted by this Court to *C.D.*, of , the widow [*or as the case may be*] of the said intestate, she having been first duly sworn.

X.Y.,
H. B. M. Consul at [*Smyrna.*]
(Seal.)

Sworn under £ and that the Intestate died on or about the day of 18

16.

Double Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that on the day of , 18 , the last Will [with Codicils] of *A.B.*, late of , deceased, who died on , at , and who at the time of his death had his fixed place of abode at , within the jurisdiction of this Court, was proved and registered in this Court, and that administration of his personal property, and any way concerning his Will, was granted by this Court to *C.D.*, one of the executors named in the said Will [*or* Codicil], he having been first duly sworn, power being reserved of making the like grant to *E.F.*, the other executor named in the said Will. And be it further known, that on the day of 18 , the said Will of the said deceased was also proved in this Court, and that the like administration was granted by this Court to the said *E.F.*, he having been first duly sworn.

X.Y.
H. B. M. Consul at [*Smyrna.*]
(Seal.)

Sworn under £ and that the Testator died on or about the day o 18

Former grant, January 18 , under the same sum.

17.

Letters of Administration de Bonis non.

Sworn under £ and that the Intestate died on the day of

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known, that *A.B.*, late of , deceased, died on 18 , at , intestate, and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, and that since his death, namely, on the day of 18 , Letters of Administration of his personal property were granted by this Court to *C.D.* [*insert the relationship or character of administrator*] (which Letters of Administration now remain on record in this Court) who, after taking such Administration upon him, partly administered the personal property of the deceased, and afterwards, namely, on , died, leaving part thereof unadministered, and that on the day of , 18 , Letters of Administration of the personal property so left unadministered were granted by this Court to , he having been first duly sworn.

X.Y.
H. B. M. Consul at [*Smyrna.*]
(Seal.)

18.

Administration Bond.

Know all men by these presents, that we, *A.B.* of , *C.D.* of , and *E.F.* of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte, in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being; for which payment we bind ourselves and each of us, for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of , 18 .

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such, that if the above-named *A.B.*, the intended Administrator of the personal property of *I.J.*, late of , deceased, who died on the day of , [left unadministered by] do make a true and perfect inventory of the personal property of the deceased [so left unadministered], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court or Her Britannic Majesty's Consular Court at [*Smyrna*], whenever required by law so to do; and the same personal property, and all other the personal property of the deceased, which shall at any time after the making and exhibition of such inventory, come into the possession of the said *A.B.*, or of any person for [him], do well and truly administer according to law; (that is to say,) do pay the debts which the deceased owed at [his] death, and all the residue of the said personal property do deliver and pay to such person or persons as shall be entitled thereto under the Act of Parliament intituled "*An Act for the better settling of Intestates' Estates;*" and further, do make a true and just account of [his] administration whenever lawfully required; and in case it shall hereafter appear that any Will was made by the deceased, and the executor or executors therein named do exhibit the same for probate, then if the said *A.B.*, being thereunto required, do duly render and deliver up the Letters of Administration granted to him, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

19.

Administration Bond for Administrators with Will annexed.

Know all men by these presents, that we, *A.B.*, of , *C.D.*, of , and *E.F.*, of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being, for which payment we bind ourselves and each of us,

for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of , 18 .

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such that if the above-named *A.B.*, the intended Administrator with Will annexed of the personal property of *I.J.*, late of , deceased, who died on the day of , do make a true and perfect inventory of the personal property of the deceased, [left unadministered by] which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court or Her Britannic Majesty's Consular Court at [*Smyrna*], whenever required by law so to do, and the same personal property [so left unadministered] and all other the personal property of the deceased which shall at any time after the making and exhibition of such inventory come into the possession of the said *A.B.*, or of any person for [him], do well and truly administer, (that is to say,) do pay the debts which the deceased owed at [his] death, and then the legacies given by the said Will annexed to the said Letters of Administration as far as such personal property will extend, and the law bind [him], and all the residue of the said personal property shall deliver and pay unto such person or persons as shall be by law entitled thereto, and further do make a true and just account of [his] said Administration whenever lawfully required, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

20.

Declaration of the Personal Property of a Testator or an Intestate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

A true declaration of all the personal property of *A.B.*, late of , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, which have at any time since his death come to the possession or knowledge of *C.D.*, the administrator with the Will annexed of the said *A.B.*, [*or* administrator, *as the case may be*], made and exhibited upon and by virtue of the oath [*or* solemn affirmation] of the said *C.D.*, as follows:—

	£	s.	d.
First, I declare that the deceased was at the time of his death possessed of or entitled to			
[*The details of the deceased's property must be here inserted, and the value inserted opposite to each particular.*]			

Lastly, I say that no personal property of the deceased has at any time since his death come to my possession or knowledge, save as is hereinbefore set forth.

C.D.

On the day of , 18 , the said *C.D.* was duly sworn to [*or* solemnly affirmed] the truth of the above-written inventory,

Before me,

[*person authorized to administer oaths.*]

21.

Justification of Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

We, *C.D.*, of , and *E.F.*, of , severally make oath and say, that we are the proposed sureties in the penal sum of pounds, on behalf of *G.H.*, the intended administrator of the personal property of *A.B.*, late of , deceased, for his faithful administration thereof: and I, the said *C.D.*, for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of ; and I the said *E.F.*, for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of pounds.

Sworn by the Deponents, *C.D.* and *E.F.*, at , this day of 18 .

C.D.
E.F.

Before me,

X.Y.

22.

Renunciation of Probate and Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

Whereas *A.B.*, late of , deceased, died on the day of , at , having had at the time of his death his fixed place of abode at , within the jurisdiction of this Court; and whereas he made and duly executed his last Will, dated the day of , 18 [1], and thereof appointed *C.D.* executor and residuary legatee in trust [*or as the case may be*]:

(1) If there are codicils, their dates should be also inserted.

Now I, the said *C.D.*, do hereby declare, that I have not intermeddled in the personal property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors, and further do hereby expressly renounce all right to probate of the said Will [and Codicils, *if any*], and to administration with the said Will [and Codicils, *if any*] annexed, of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal, this day of 18 .

C.D. (L.S.)

Signed, sealed, and delivered by the above-named *C.D.* in the presence of

G.H.

23.

Renunciation of Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*]:

Whereas *A.B.*, late of , deceased, died on the day of , 18 , at , intestate, a widower, having had at the time of his death his fixed place of abode at , within the jurisdiction of this Court; and whereas I, *C.D.*, of , am his lawful child, and his only next of kin [*or as the case may be*]:

Now I, the said *C.D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and further do hereby expressly renounce all right to administration thereof.

In witness whereof I have hereto set my hand and seal, this day of , 18 .

C.D. (L.S.)

Signed, sealed, and delivered by the said *C.D.*, in the presence of

G.H.

24.

Order to a Person to bring in a Paper purporting to be testamentary.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

The day of 18 .

To *C.D.*, of .

Whereas it appears by a certain affidavit filed in this Court on the day of , 18 , and made by , of , that a certain original paper, being or purporting to be testamentary, namely [*here describe the paper*], bearing the date of , 18 , is now in your possession or under your control:

Now this is to command you, in Her Majesty's name, that within eight days after service hereof on you, inclusive of the day of such service, you do bring into and leave in this Court the said original paper, or in case the said original paper be not in your possession or under your control, that you, within eight days after the service hereof on you, inclusive of the day of such service, do file in this Court an affidavit to that effect, and therein set forth what knowledge you have of and respecting the said paper.

(Seal.)

25.

Affidavit of Handwriting.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
In the matter of *C.D.*, deceased.

I, *A.B.*, of , make oath and say, I knew and was well acquainted with *C.D.*, late of , deceased, who died on the day of , at , for many years before and down to his death, and that during that time I have frequently seen him write and sign his name, whereby I have become well acquainted with his handwriting and signature, and having now with care and attention inspected the paper writing hereto annexed, purporting to be the last Will of the said *C.D.*, beginning thus , ending thus , dated the day of , and signed thus, "*C.D.*," I say that I believe [the whole body and contents of the said Will, together with] the signature "*C.D.*" thereto, to be of the handwriting of the said *C.D.* deceased.

A.B.

Sworn at ,
this day of ,
18 , before me,
E.F.

26.

Affidavit of Finding and Condition of Will.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
In the matter of *E.F.*, deceased.

I, *A.B.*, of , make oath and say, that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *E.F.*, late of , deceased (who died on the day of , and had at his death his fixed place of abode at , within the jurisdiction of this Court), the said Will bearing date the day of , beginning thus, , ending thus, , and being signed thus, "*E.F.*" and that [*here describe the finding of the Will, and the various obliterations, interlineations, erasures, and alterations (if any), and the general condition of the Will, and state any other matters requiring to be accounted for, and clearly trace the Will from the possession of the deceased in his lifetime up to the time of the making of this Affidavit*]; and I lastly say, that the same paper writing is now in all respects in the same condition as when found [*or as the case may be*].

A.B.

Sworn at ,
this day of ,
18 , before me,
I.J.

27.

Affidavit of Search.

This form of affidavit is to be used when it is shown by affidavit that neither the subscribing witnesses nor any other person can depose to the precise time of the execution of the will.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
In the matter of *C.D.*, deceased.

I, *A.B.*, of , make oath and say, that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *C.D.*, late of , deceased (who died on the day of , 18 , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court), the said Will beginning thus, " , " ending thus, "In witness whereof I have hereunto "set my hand this day of , in the year of our Lord "one thousand eight hundred and fifty-four" [*or as the case may be*], and being signed thus, "*C.D.*" And referring particularly to the fact that the blank spaces originally left in the said Will for the insertion of the day and the month of the date thereof have never been supplied [*or* that the said Will is without date, *or as the case may be*], I further say that I have made inquiry of [*E.F.*, the Solicitor of the said deceased], and that I have also made diligent and careful search in all places where the said deceased usually kept his papers of moment, in order to ascertain whether he had or had not left any other Will, but that I have been unable to discover any other Will. And I lastly say, that I believe

the deceased died without having left any Will, Codicil, or Testamentary Paper whatever other than the said Will by me hereinbefore deposed to.

A.B.

Sworn at , this day of , 18 , before me,
G.H.

28.

Notice to prohibit Grant of Probate or Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

Let nothing be done in the matter of *A.B.*, late of , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, without warning being given to *C.D.*, of , [*or* to *E.F.*, of , the attorney of *G.H.*, of].

Dated this day of , 18 .

(Signed) *C.D.*, of , [*or E.F.*, of , the attorney of *G.H.*, of].

29.

Warning to Person filing Notice to prohibit Grant.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, late of , deceased.

To *C.D.*, of , [*or* to *E.F.*, of , attorney of *G.H.*, of].

You are hereby warned, within six days after the service of this warning upon you, inclusive of the day of such service, to come to this Court, and file therein an affidavit setting forth your [*or* your client's] interest in this matter; and in default of your so doing this Court will proceed to all such acts and things as shall be needful to be done in this matter.

NOTE.—This warning is issued at the instance of *R.S.*, of , [*here state what interest R.S. has, and if under a will or codicil state its date*].

(Seal.)

30.

List of Probates and Administrations.

Her Britannic Majesty's Consular Court at [*Smyrna*].

The [1st] day of [August] 18[63].

LIST of Probates and Administrations granted by this Court up to the 1st day of July, 1863, and not included in any previous List.

Date of Grant.	Name in full of Deceased.	His or her Business, Profession, or other Description.	Place of his or her Death.	Time of his or her Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Signed) *X.Y.*,
H. B. M. Consul at [*Smyrna.*]
(Seal.)

31.

Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]
[*Thursday*], the day of , 18 .
C.D., of , [labourer], [being first duly sworn] charges that [*&c., state the offence*].

(Seal.)

32.

Summons to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]
[*Thursday*], the day of , 18 .
To *A.B.*, of , [labourer].
You have this day been charged [on oath] before this Court for that you [*&c., stating shortly the offence charged*].
Therefore you are hereby commanded, in Her Majesty's name, to appear before this Court on [*Saturday next*] the day of , at [10 o'clock in the forenoon] at [ ], to answer to the said charge, and to be further dealt with according to law.

(Seal.)

33.

Warrant in first instance for Apprehension of Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 ,
To *X.Y.*, Police Officer and other officers of this Court.
A.B., of , [labourer], has this day been charged [on oath] before this Court for that he [*&c., stating shortly the offence charged*].
Therefore you are hereby commanded in Her Majesty's name forthwith to apprehend the said *A.B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

34.

Warrant for Apprehension of Accused where Summons is disobeyed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *X.Y.*, Police Officer, and other officers of this Court.
A.B., of , [labourer], was on the day of , 18 . charged [on oath] before this Court for that [*&c., as in summons*].
And the said *A.B.* was by summons of this Court commanded to appear before this Court on [ ] at [ ] at [ ], to answer to the said charge, and to be further dealt with according to law.
And (as it has now been proved to this Court) he was duly served with the said summons. But he has not appeared according to the said summons.
Therefore you are hereby commanded in Her Majesty's name forthwith to apprehend the said *A.B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

35.

Summons of a Witness.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *E.F.*, of , [labourer].
A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons or warrant against the accused*].

And it appears to this Court that you are likely to give material evidence concerning the said charge.

Therefore you are hereby commanded in Her Majesty's name to appear before this Court on [Saturday next] the [ ] day of [ ], 18 [ ] at [10 o'clock in the forenoon], at [ ], to testify what you shall know concerning the said charge.

(Seal.)

36.

Warrant where Witness has not obeyed Summons.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer and other officers of this Court.

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].

And it appearing to the said Court that *E.F.*, of , [labourer] is likely to give material evidence concerning the said charge, the said *E.F.* was by summons of this Court commanded to appear before this Court on [ ] at [ ] at [ ], to testify what he should know concerning the said charge.

And (as it has now been proved to this Court) he was duly served with the said summons.

But he has not appeared according to the said summons, and has not excused his failure to do so to the satisfaction of this Court.

Therefore you are hereby commanded, in Her Majesty's name, to bring and have the said *E.F.* before this Court on [ ] at [10 o'clock in the forenoon] at [ ] to testify what he shall know concerning the said charge.

(Seal.)

37.

Warrant for Witness in first instance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer and other officers of this Court.

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].

And it appears to this Court that *E.F.*, of , [labourer], is likely to give material evidence concerning the said charge, and that it is probable he will not attend to give evidence unless compelled to do so.

Therefore you are hereby commanded in Her Majesty's name to bring and have the said *E.F.* before this Court on [Saturday next] the day of , 8 [ ] at [10 o'clock in the forenoon] at [ ] to testify what he shall know concerning the said charge.

(Seal.)

38.

Warrant for Commitment of Witness for refusing to be sworn or to give Evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].

And *E.F.*, of , [labourer], now being before this Court to testify what he knows concerning the said charge in pursuance of a summons [*or* warrant] issued by this Court, and being required refuses to take an oath [*or* having taken an oath, refuses to answer a certain question now put to him concerning the said charge] and does not excuse his refusal to the satisfaction of this Court.

Therefore you are hereby commanded in Her Majesty's name, you, the above-named *X.Y.*, to take the said *E.F.*, and convey him safely to the above-named prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely for [seven] days, unless he in the meantime consents to answer duly on oath.

(Seal.)

39.

Depositions of Witnesses on Preliminary Examination before Indictment.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A.B., of [labourer] stands charged before this Court for that he [*&c., as in summons*].

And in the presence and hearing of the said *A.B.*, *C.D.*, of , [labourer] and *E.F.*, of , [labourer] depose on oath as follows.

First, the said *C.D.* says as follows:—[state the deposition of the witness as nearly as possible in the very words he uses. When his deposition is complete let him sign it].

Secondly, the said *E.F.* says as follows:—[state his deposition in same manner].

(Seal.)

40.

Statement of the Accused on Preliminary Examination.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A,B., of , [labourer] stands charged before this Court for that [*&c., as in summons*].

And the said charge having been read to the said *A.B.*, and *C.D.* and *E.F.*, witnesses for the prosecution, having been severally examined in his presence and hearing, and their respective depositions having been read over to the said *A.B.*, these words are now said to the said *A.B.* by this Court, namely—

"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you on your trial. And I give you clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, that may have been held out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat."

Whereupon the said *A.B.* says as follows:—[state whatever the accused says, and as nearly as possible in the very words he uses. Get him to sign the statement if he will].

[*A.B.*]

(Seal.)

41.

Recognizance to prosecute or give Evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

C.D., of , [labourer], comes personally before this Court and acknowledges himself to owe to Our Sovereign Lady the Queen the sum of £ sterling, to be levied on his goods if he fails in the condition hereon indorsed.

(Signed) *C.D.*

(Seal.)

Condition indorsed.

The condition of the within-written recognizance is as follows:—

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].

If, therefore, the within-named *C.D.* appears before this Court on [ ] at [ ], *and then and there prefers an indictment against the said *A.B.* for the said offence, and duly prosecutes the same [and gives evidence thereon],* then the said recognizance shall be void, and otherwise shall remain in full force.

[Where the recognizance is only to give evidence, substitute for the words between the asterisks * * the following:—] and then and there gives evidence on an indictment, to be then and there preferred against the said *A.B.* for the said offence.

42.

Notice of Recognizance to be given to Prosecutor and each of his Witnesses.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *C.D.*, of , [labourer].
You are bound in the sum of £ sterling to appear before this Court on [ ] at [ ], and then and there to prosecute and give evidence against [*or* to prosecute *or* to give evidence against] *A.B.*, of [labourer], and unless you do so, the recognizance entered into by you will be forthwith levied on your goods.

(Seal.)

43.

Commitment of Witness for refusing to enter into Recognizance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ]
A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].
And *E.F.*, of , [labourer], having been now examined before this Court concerning the said charge, and being required, refuses to enter into a recognizance to give evidence against the said *A.B.*
Therefore you are hereby commanded in Her Majesty's name, you the above named *X.Y.* to take the said *E.F.*, and convey him safely to the above named prison, and there deliver him to the keeper thereof together with this warrant.
And you, the keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely until after the trial of the said *A.B.* for the said offence, unless the said *E.F.* in the meantime consents to enter into such recognizance as aforesaid.

(Seal.)

44.

Warrant remanding the Accused, or (in summary cases) committing him for safe custody during an adjournment of the hearing, or where the hearing is not at once proceeded with.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ].
A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].
*And it appears to this Court to be necessary to remand the said *A.B.**
Therefore you are hereby commanded in Her Majesty's name, you the above named *X.Y.* forthwith to convey the said *A.B.* to the above-mentioned prison, and there deliver him to the keeper thereof together with this warrant. And you, the keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there safely keep him until the day of instant, and then to have him before this Court at [ten o'clock in the forenoon] of the same day at [ ] to answer further to the said charge, and to be further dealt with according to law.

(Seal.)

[In summary cases substitute for the words between the asterisks * * the following:—]
And the hearing of the said charge is adjourned [*or* cannot be at once proceeded with], and it is necessary that the said *A.B.* should in the meantime be kept in safe custody.

45.

Recognizance of Bail instead of remand on an adjournment of preliminary examination, or for surrender for trial, or (in summary cases) on adjournment of hearing, or where hearing is not at once proceeded with.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
We, *A.B.*, of , [labourer], *L.M.*, of , [grocer], and *N.O.*, of , butcher], come personally before this Court, and severally acknowledge ourselves to owe to Our Sovereign Lady the Queen the several sums following, namely, the said *A.B.*, the sum of £ sterling, and the said *L.M.* and *N.O.* the sum of £ sterling, each, to be levied on our several goods, if the said *A.B.* fails in the condition hereon indorsed.

A.B.
L.M.
N.O. (Seal.)

Condition indorsed.

The condition of the within-written recognizance is as follows:—
The within-bounden *A.B.* has been charged before this Court for that [*&c., as in summons*].
If, therefore, the said *A.B.* appears * before this Court on [ ], at [o'clock], at [ ], to answer [further] to the said charge, and to be [further] dealt with according to law,* then the said recognizance shall be void, and otherwise shall remain in full force.

[Where the recognizance is for the surrender for trial, substitute for the words between asterisks * *, the following:—] before [ ], on [ ], at [o'clock], at [ ], and then and there surrender himself into the custody of the keeper of the [ ] prison there, and plead to such indictment as may be preferred against him for the offence aforesaid, and take his trial thereon, and not depart from the Court without leave.

46.

Notice of Recognizance to be given to Accused and each of his Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *A.B.*, of , [labourer], *L.M.*, of , [grocer], and *N.O.*, of , [butcher].
You *A.B.* are bound in the sum of £ sterling, and your sureties, *L.M.* and *N.O.*, in the sum of £ sterling each, that you *A.B.* appear before * this Court on the day of , at [o'clock], at [ ], to answer [further] to the charge made against you by *C.D.*, and to be [further] dealt with according to law;* and unless you, *A.B.*, do so, the recognizance entered into by you, *A.B.*, *L.M.*, and *N.O.*, will be forthwith levied on your respective goods.

(Seal.)

[Where the recognizance is for surrender for trial, substitute for the words between asterisks * *, words corresponding to the terms of the condition.]

47.

Warrant of Commitment of Accused for Trial.

In Her Britannic Majesty's Consular Court at [*Smyrna*].
[*Thursday*], the day of , 18 .
To *X.Y.*, Police Officer of this Court, and to the keeper of [Her Britannic Majesty's Consular] prison at [ ].
A.B. stands charged before this Court on the oath of *C.D.*, of , [labourer], and others for that [*&c., as in summons*].
Therefore you are hereby commanded in Her Majesty's name, you the above-mentioned *X.Y.*, to convey the said *A.B.* to the above-mentioned prison, and there to deliver him to the keeper thereof, together with this warrant, and you the said keeper of the said prison to receive the said *A.B.* into your custody in the said prison, and there safely keep him till he shall be thence delivered by due course of law.

(Seal.)

48.

Summary Conviction where the Punishment is Imprisonment and no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A.B., of , [labourer], is this day convicted before this Court for that [*&c., state the offence and the time and place when and where committed*].

And this Court adjudges the said *A.B.*, for his said offence to be imprisoned in [Her Majesty's Consular] prison at [ ], there to be kept to hard labour for the space of [ ].

And this Court also adjudges the said *A.B.* to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the same be not paid forthwith [*or* on or before next] then * this Court orders that the same be levied by distress and sale of the goods of the said *A.B.*

And in default of sufficient distress* this Court adjudges the said *A.B.* to be imprisoned in the said prison [to be there kept to hard labour] for the space of [ ], to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs be sooner paid.

(Seal.)

[Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks * * the following:—]

Inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress in this behalf would be ruinous to the said *A.B.* and his family [*or* that the said *A.B.* has no goods whereon the said sum could be levied by distress].

49.

Summary Conviction for a Penalty to be levied by Distress, and in default of a sufficient Distress Imprisonment, or for a Penalty, and in default of Payment Imprisonment.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the day of , 18 .

A.B., of [labourer], is this day convicted before this Court for that [*&c., state the offence and time and place when and where committed*].

And this Court adjudges the said *A.B.* for his said offence to forfeit and pay the sum of £ sterling [state the penalty and also the compensation, if any], to be paid and applied according to , and also to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the said sums be not paid forthwith [*or* on or before next], then * this Court orders that the same levied by distress and sale of the goods of the said *A.B.*

And in default of sufficient distress,* this Court adjudges the said *A.B.* to be imprisoned in [Her Britannic Majesty's Consular] Prison at [ ], [there to be kept to hard labour] for the space of [ ], unless the said sums and all costs and charges †of the said distress [and† of the commitment and conveyance of the said *A.B.* to the said prison] be sooner paid.

(Seal.)

[Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks * * the following:—] inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress would be ruinous to the said *A.B.* and his family [*or* that the said *A.B.* has no goods whereon the said sums can be levied by distress].

[Where the conviction is for a penalty, and in default of payment, imprisonment, omit the words between the asterisks * *, and also the words between the marks † †.]

50.

Warrant of Commitment on a Conviction where the Punishment is Imprisonment and no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] prison at [ ].

A.B., of [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* for his said offence should be imprisoned in the [ ] prison at [ ], and there be kept to hard labour for the space of .

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *A.B.*, and convey him to the said prison, and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ].

(Seal.)

51.

Warrant (on a Conviction for a Penalty) for Commitment of the Person convicted in the first Instance without previous Warrant of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

A.B., of , [labourer], stands convicted before this Court by a conviction dated the day of for that [*&c., as in conviction.*]

And it is in and by the said conviction adjudged that the said *A.B.* should for his said offence forfeit and pay [&c., as in conviction], and should also pay to the said *C D.* the sum of £ sterling for his costs in that behalf.

And that if the said sums should not be paid forthwith [*or* on or before the day of], the said *A.B.* should be imprisoned in the above-mentioned prison [and be there kept to hard labour], unless the same [and the costs and charges of the conveying of the said *A.B.* to the said prison] should be sooner paid.

And the said *A.B.* being required to pay the said sums according to the said conviction has not done so.

Therefore you hereby commanded in Her Majesty's name, you the above named *X.Y.*, to take the said *A.B.* and convey him to the said prison, and there deliver him to the keeper thereof, together with this warrant; and you the said keeper of the said prison to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ], unless the said several sums [and the costs and charges of the conveying of him to the said prison, amounting to the further sum of £] be sooner paid.

(Seal.)

52.

Warrant of Distress upon Conviction for a Penalty, or where the Person convicted is to pay Costs but no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court.

A.B., of , [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* should, * for his said offence, forfeit and pay [&c., as in conviction], and should also* pay to the said *C.D.* the sum of £ sterling for his costs in that behalf.

And that if the same should not be paid forthwith [*or* on or before the day of], the same should be levied by distress and sale of the goods of the said *A.B.*

And the said *A.B.*, although required to pay the same according to the said conviction, has not paid the same.

Therefore you are hereby commanded in Her Majesty's name, that you forthwith make distress of the goods of the said *A.B.*, and if within the space of days next, after the making of such distress, the said sums, † together with the reasonable charges of the making and keeping of the said distress be not paid, then that you sell the said goods by you distrained, and pay the money arising thereby into this Court, in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the said *A.B.*, and that if no such distress can be found, then you certify the same to this Court in order that further proceedings may be had according to law.

(Seal.)

[Where the person convicted is to pay costs, but no penalty, omit the words between asterisks * *, and for the words "sums" marked,† read "sum."]

53.

Officer's Return, if no sufficient Distress, to be indorsed on Warrant.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

I, *X.Y.*, of , Police Officer of this Court, do hereby certify to this Court that by virtue of the within-written warrant, I have made diligent search for the goods of the within-named *A.B.*, and that I can find no sufficient goods of the said *A.B.* whereon the sums within-mentioned can be levied.

X.Y.

54.

Warrant of Commitment for Want of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

[Proceed as in warrant of distress (Form 52) down to the commencement of the commanding part, and then thus :—]

And on the day of , 18 , this Court issued a warrant to you, the above-named *X.Y.*, commanding you to levy the said sum of £ and £ , [*or* the said sum of £ for costs] by distress and sale of the goods of the said *A.B.*

And it now appears to this Court, as well by the return of you, the said *X.Y.*, to the said warrant as otherwise, that you have made diligent search for the goods of the said *A.B.*, but that no sufficient distress whereon the said sums could be levied could be found.

Therefore you are hereby commanded in Her Majesty's name, you the said *X.Y.*, to take the said *A.B.*, and convey him safely to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant, and you the said keeper of the said prison to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ], unless the said sums [*or* sum] and all the costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *A.B.*] amounting to the further sum of £ be sooner paid.

(Seal.)

55.

Order of Dismissal of Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

A.B., of , [labourer] was on day of , charged before this Court for that [*&c., as in summons or warrant*].

And now both the said parties appear before this Court in order that it may hear and determine the said charge [*or* the said *A.B.* appears before this Court, but the said *C.D.*, although duly called, does not appear.]

Whereupon, the matter of the said charge being by this Court duly considered, * it manifestly appears to this Court that the said charge is not proved, and * this Court dismisses the same.

And adjudges that the said *C.D.* do pay to the said *A.B.* the sum of £ sterling

for his costs in this behalf, and if the same be not paid forthwith [*or* on or before] this Court orders that the same be levied by distress and sale of the goods of the said *C.D.*, and in default of sufficient distress, this Court adjudges the said *C.D.* to be imprisoned in [ ] prison at [ ], [and there kept to hard labour], unless the same sum and all costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *C.D.*] be sooner paid.

(Seal.)

[Where the person making the charge does not appear at the hearing the words between asterisks * * may be omitted.]

56.

Certificate of Dismissal of Charge to be given to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

This is to certify that a charge made on the [ ] day of [ ], by *C.D.*, of , [labourer], against *A.B.*, of , [labourer], for that [*&c., as in summons or warrant*] is now considered by this Court, and is by this Court dismissed [with costs].

(Seal.)

57.

Warrant of Distress for Costs to be paid by the Person making the Charge, on an Order for the Dismissal of the Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court.

A.B., of , [labourer], was on the day of , 18 , charged before this Court for that [*&c., as in summons or warrant.*]

And afterwards, namely, on the day of , 18 , both parties appeared before this Court in order that it should hear and determine the said charge [*or* the said *A.B.* appeared before this Court, but the said *C.D.*, although duly called, did not appear], and thereupon the matter of the said charge being duly considered by this Court, * and it manifestly appearing to this Court that the said charge was not proved,* this Court did dismiss the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the sum of £ sterling, for his costs in that behalf, and that if the said sum should not be paid forthwith [*or* on or before], then the same should be levied by distress and sale of the goods of the said *C.D.*

And the said *C.D.*, although required to pay the same according to the said order, has not paid the same.

Therefore you are hereby commanded—

[Proceed as in the commanding part of Form 52, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.*, the accused, and for the word "sums" at the mark † read "sum."]

(Seal.)

58.

Warrant of Commitment for Want of Distress in the last Case.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the keeper of [ ] prison at [ ].

[Proceed as in last Form down to the commencement of the commanding part, and then thus:—]

And on the day of , 18 , this Court issued a warrant to you, the above-named *X.Y.* [proceed as in Form 54, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.*, the accused.]

(Seal.)

FEES.

	£	s.	d.
Service.			
For service of summons, petition, motion-paper, notice, warrant, decree, order, or other document (except an answer) on a party, witness, juror, assessor, or other person under any branch whatever of the civil jurisdiction—			
Within one mile (English) of Court	0	2	6
Beyond, for every further complete mile	0	1	0
For service of an answer	0	1	0
Decision of Questions without formal Suit (*Rules* 1–9).			
On summons for issue or special case	1	0	0
On issue or special case	0	10	0
On hearing	1	0	0
Summary Procedure for Administration of Property of Deceased Persons (*Rules* 13–17).			
On summons	1	0	0
On order	1	0	0
Summary Orders before Suit (*Rules* 179–182).			
On application for order	0	10	0
On recognizance	0	10	0
On order	0	5	0
Bankruptcy and Arrangement.			
On petition for adjudication	2	0	0
On order for adjudication	1	0	0
On appointment of each assignee	0	10	0
For every meeting or adjourned meeting	1	0	0
For every notice (exclusive of printing expenses)	0	5	0
On order of discharge	5	0	0
On petition to annul adjudication	1	0	0
On order annulling adjudication	2	0	0
To official assignee	2 per cent. on assets collected.		
On trust deed for benefit of creditors or other instrument of arrangement registered	½ per cent. on value of estate.		
Maritime Cases.			
On application for commission of survey	1	0	0
On appointment of commission	1	0	0
To each surveyor :—			
(*a.*) At Constantinople—			
For a vessel in the port, extending from the second bridge (immediately below the arsenal) to Tophané on the one side, and Seraglio Point on the other	1	1	0
For a vessel in the upper harbour, extending from the second bridge upwards towards Haskioi; or between Tophané and Bujukdéré on the one side, and Kadakioi and Beicos on the other	2	2	0
For a vessel between Bujukdéré on the one side, and Beicos on the other, and the Black Sea entrance of the Bosphorus: or between the Seven Towers and St. Stefano (inclusive), or Kadakioi and Prince's Island (inclusive)	3	3	0
For a vessel beyond these limits, when the time occupied exceeds one day	Such sum as the Court directs.		
(*b.*) At a Provincial Consulate—			
For a vessel within two miles (English) of the Court	1	1	0
For a vessel beyond that distance	Such sum as the Court, with the approval of the Supreme Consular Court, directs.		
For extension of report of survey and copies	1	10	0
On petition for appointment of adjusters	1	0	0
To each adjuster	Such sum as the Court directs, not less than £1, and not more than £20.		
On extending average bond	The like.		
To agent of owners of cargo	1 per cent. on value of cargo.		
Probate and Administration.			
On application for probate or administration	1	0	0
On oath of every executor, and administrator, and surety	0	10	0
On probate or letters of administration	The like sum as is for the time being payable in England for Stamp duty in like cases, with 1 per cent. additional in case of appointment of official administrator.		

	£ s. d.
On filing account	0 10 0
On passing account	1 0 0
Mixed Commissions.	
On order for appointment of Commission	0 10 0
On every appointment of a Commissioner	0 10 0
On hearing	The like fee as in ordinary suits.
On judgment	2 0 0
On decree of homologation	1 0 0
To each Commissioner and Protocollista—	
For hearing	1 0 0
For every other sitting	0 10 0

Ordinary Suits.

In every suit of any kind whatever, other than such as are before specified:—

	On Summons or Petition.	On hearing.
	£ s. d.	£ s. d.
Where amount involved is—		
Under 20*l.*	0 2 6	0 2 6
20*l.* and under 50*l.*	0 5 0	0 7 6
50*l.* or upwards	1 per cent on amount.	1 per cent. on amount.
Where judicial relief or assistance is sought, but not the recovery of money	1 0 0	1 0 0
On every summons, motion, application, or demand, taken out, made, or filed (not particularly charged)		0 5 0
On every decree or order (not particularly charged)		0 2 6
On motion for new trial after trial with a jury		1 0 0
On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party)		0 7 6
On every warrant of execution against goods (Rule 120)—		
For less than 50*l.*		0 5 0
For 50*l.* or upwards		1 0 0
For keeping possession, per diem		0 10 0

Appeal to Supreme Consular Court (including Mixed Commission cases.

On motion for leave to appeal	0 10 0
On every security	0 10 0
On order for leave to appeal	1 0 0

	On Petition or Motion.	On hearing.
	£ s. d.	£ s. d.
On appeal against adjudication of bankruptcy	5 0 0	2 0 0
On appeal against allowance, suspension, or refusal of order of discharge in bankruptcy	5 0 0	2 0 0
On appeal where judicial relief or assistance is sought, but not the recovery of money	2 0 0	2 0 0
On any appeal other than such as are before specified	1½ per cent. on amount involved.	2 per cent. on amount involved.

Appeal to Her Majesty in Council.

On motion for leave to appeal	2 0 0
On every security	2 0 0
On order for leave to appeal	5 0 0
On record of appeal (including expense of transmission)	Such sum as the Court directs.

Miscellaneous.

On deposit of money	2½ per cent. on amount.
On deposit or registration of bill of sale, will, deed of partnership, or other document	1 0 0
On notice of bill of sale filed	1 0 0
For taking inventory, per diem	1 0 0
For protest of a bill of exchange, and copy	1 0 0
For noting same	0 5 0
For taking an affidavit	0 5 0
For drawing a will	Such sum as the Court directs.
For certifying signature or seal	0 2 0
For attendance at a sale:—	
Where the purchase-money is under 100*l.*	1 10 0
Where 100*l.* or upwards	2 per cent. on amount.
On a reference to the archives	0 1 0
For certified copy of document in the archives:—	
For first 100 words	0 2 6
For every further 100 words	0 1 0
For an official certified translation of any document—	
For first 200 words	0 10 0
For every further 200 words	0 5 0
For communication between two Consular Court	0 10 0

	£	s.	d.
For communication in writing to a foreign Consulate, or through Dragoman, to local Ottoman authority	0	10	0
For application for Vizirial letter	0	10	0
For despatch to accompany same	0	10	0
For attendance of Dragoman at Ottoman office or tribunal:—			
Where amount involved is—			
Under 250*l.*	0	10	0
250*l.* and under 500*l.*	1	0	0
500*l.* and under 1,000*l.*	2	0	0
1,000*l.* or upwards	5	0	0
Criminal Matters.			
On every summons or warrant, unless specially directed by the Court to be issued .	0	2	0
On hearing in summary case	0	2	6
On warrant of commitment	0	1	6
On recognizance	0	1	0
For service of notice on each juror or assessor	0	2	6
On trial with a jury	0	10	0
On record of sentence on a trial with a jury	0	10	0

No. 3.

Earl Russell to Sir E. Hornby.

Sir, *Foreign Office, January* 15, 1863.

I TRANSMIT to you herewith three copies of an Order of Her Majesty in Council for the regulation of Consular jurisdiction in the dominions of the Sublime Ottoman Porte, one of which is to be retained at Constantinople and the other two sent to Smyrna and Alexandria.

This Order, as you will perceive, supersedes the Order in Council of the 27th of August, 1860, and is to come into operation on the 1st of March next.

I also send you 100 other copies of the Order, and you will forward one or more copies of it without delay to the several Consulates, and you will direct the Consuls at once to give publicity to the Order by placing it in a conspicuous and accessible position in their Consular Office, and by announcing the date of its coming into operation.

I am, &c.
(Signed) RUSSELL.

No. 4.

Earl Russell to Sir E. Hornby.

Sir, *Foreign Office, January* 28, 1863.

I TRANSMIT to you herewith my approval of the Rules of Her Majesty's Supreme Consular Court and other Consular Courts in the dominions of the Sublime Ottoman Porte framed by you under the Order of Her Majesty in Council of the 9th of January, 1863.

I have affixed my signature to the two copies inclosed in this despatch, which you will also sign, and having done so, return one of them to me, and retain the other in the archives of the Court.

I send under a separate cover 150 copies for distribution and sale, as provided in the Order.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Murray to Sir E. Hornby.

Sir, *Foreign Office, January* 29, 1863.

I AM directed by Earl Russell to transmit to you, for your information, a copy of the Circular instructions which have been addressed by his Lordship's directions to Her Majesty's Consuls in the Levant, in forwarding to them the accompanying register containing stamped forms of Certificates of Registration, which are to be granted to British subjects under the 62nd Clause of the Order in Council of the 9th instant.

I am also to inclose to you, for the use of the Supreme Consular Court, five of the registers in question, containing 200 forms each.

I annex a list of the places to which the forms have been sent.

I am, &c.

(Signed) JAMES MURRAY.

Inclosure in No. 5.

Circular addressed to Her Majesty's Consuls in the Levant.

Sir, *Foreign Office, January* 28, 1863.

I AM directed by Earl Russell to transmit to you the accompanying Register, containing stamped forms of Certificates of Registration which are to be granted to British subjects under the 62nd Clause of the Order in Council of the 9th instant.

Full printed Instructions are affixed to the Register,* and you will be

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* *Instructions to Consuls in the Ottoman Empire.*—Attend to the following sections of the Order in Council of the 9th of January, 1863 :—

Section I, Clause 4.—"The provisions of this Order relating to British subjects apply to all subjects of Her Majesty, whether by birth or naturalization, and also to all persons enjoying Her Majesty's protection in the Ottoman dominions.

"The provisions of this Order relating to British subjects shall also, until it is otherwise ordered, extend to subjects of the United States of the Ionian Islands, resident in or resorting to the Ottoman dominions, except in the following particulars :—

"1. So far as those provisions relate to trial in civil cases with a jury (with respect to which Ionian subjects shall be in the same position as foreigners), or to the serving on juries in civil cases :

"2. So far as those provisions confer or relate to the power of imposing punishment of an amount greater than that which can now be lawfully awarded in the case of an Ionian subject by a Consular Officer of Her Majesty in the Ottoman dominions:

"3. So far as those provisions confer or relate to the power of deporting from the Ottoman dominions.

"The provisions of this Order relating to British vessels extend to vessels navigating under the national commercial flag of the United States of the Ionian Islands.

"The provisions of this Order relating to foreigners apply to subjects of the Sublime Ottoman Porte and subjects or citizens of any other Power or State (not being enemies of Her Majesty)."

Section VII, Clause 62.—"Every British subject resident in the Ottoman dominions, being of the age of twenty-one years or upwards, or being married or a widower or widow, though under that age, shall in the year 1863, in the month of March, and in every subsequent year in the month of January, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides.

"Every such British subject not so resident arriving at any place within the Ottoman dominions where a Consular Office is maintained, unless borne on the muster-roll of a British vessel there arriving, shall, within one month after his or her arrival, register himself or herself in a register to be kept at the Consular Office,—but so that no person shall be required to register himself or herself more than once in any year, reckoned from any 1st day of January.

"Every such British subject shall on every such registration of himself or herself pay a fee of five shillings.

"Any such British subject failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be recognized or protected as a British subject in the Ottoman dominions, and shall be liable to a fine of not more than forty shillings for each instance of such failure ; in the case of a married woman (not living apart from her husband) such fine to be levied on her husband's property.

"The Consular Officer shall issue to every British subject so registered a certificate of registration under his hand and Consular seal."

Every person registered must be furnished with a certificate of registration. On every applica-

careful to attend to the directions therein given to Her Majesty's Consuls on this subject.

The 4th Clause of the Order specifies that its provisions apply to all persons, of whatever nationality, enjoying Her Majesty's protection in the Ottoman dominions; and the 62nd Clause orders that all such persons being of the age of 21 years or upwards, male or female, are to register themselves, once in every year, in some one of Her Majesty's Consulates in the Levant, under the penalties mentioned in the section for neglect of doing so.

It will be your duty to see that the provisions of these sections are duly carried out.

At the commencement of the month of January in every year you will affix in your Consulate a notice calling upon all persons enjoying Her Majesty's protection in the East, and resident or being within your district, to register himself or herself in the Register of the Consulate; and to each person you will give, as directed by the Instructions, a Certificate of Registration, for which, as stated on the Certificate, you will charge a fee of 5*s*.

You will take care to verify the right of each applicant to British protection, and you will be attentive to the filling up of the foils properly, and to the regular transmission of the duplicate, at the end of each year, to the Judge of the Supreme Consular Court at Constantinople.

I am, &c.
(Signed) JAMES MURRAY.

No. 6.

Sir E. Hornby to Earl Russell.—(*Received February* 6.)

My Lord *Constantinople, January* 29, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 1 of the 15th instant, transmitting copies of Her Majesty's new Order in Council of the 9th of January. 1863. And I have the honour to inform your Lordship that I have already taken the necessary measures to distribute copies of it among Her Majesty's Consular Officers in the Levant.

I have, &c.
(Signed) EDMUND HORNBY.

No. 7.

Mr. Tristram to Earl Russell.—(*Received February* 23.)

Smyrna English Committee, English Club,
My Lord, *Smyrna, February* 12, 1863.

THE Smyrna English Committee for the protection of British interests beg respectfully to call your Lordship's attention to the circumstance

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tion for registration, begin by asking the applicant the particulars required on the foil; note his answers on the foil, and append thereto any such remarks as such answers, or any other answers to any other pertinent questions that may appear to you of importance, may suggest.

If the applicant is resident in your district or known to you, state any particulars concerning him; such, for instance, as if his name appears on your police sheet, or on the police records of the local authorities.

Answers to Questions 3 and 4 need not be asked of natives of Great Britain and Ireland.

Having filled up the foil, fill up the certificate of registration, taking care to note the page of the foil on the face of it. In the certificate itself you are merely to state the name of the applicant and his nationality. Sign the certificate, and obtain the signature of the applicant, and the fee.

Having given the certificate, fill up the duplicate foil *exactly* in the same way as the original foil is filled up.

Note in the Alphabetical Index the surname of the applicant with the page of the foil.

Transmit the duplicate foil to the Judge of the Supreme Consular Court in the last week in December of each year.

that, although a long period has elapsed, the report of Mr. (now Sir Edmund) Hornby on his official investigation into the conduct of Mr. Consul Blunt at Smyrna, has never been communicated to the parties who brought the accusations against him.

The Committee beg to press upon your Lordship that a copy of this Report may be at once transmitted to them, as it has been made a means for very disparaging insinuations against several respectable members of their community, and because it is necessary for the vindication of the character of Sir Edmund Hornby himself.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary.*

No. 8.

Mr. Tristram to Earl Russell.—(*Received February* 23.)

Smyrna English Committee, English Club,
Smyrna, February 12, 1863.

My Lord,

ON the 26th ultimo, I, at the request of the Smyrna English Committee, addressed the following communication to Charles Blunt, Esq., Her Britannic Majesty's Consul in this city:—

"I am desired by the Smyrna English Committee to request the favour of your allowing two or more of its members to examine the archives of the Consulate for the purpose of ascertaining the number and amount of actions or suits for fifteen years previous to the establishment of the new Consular Court; also, the liberty of taking extracts from the said archives.

"The information required is for transmission to such Members of Parliament as have moved in the House of Commons for inquiry into the working of Her Majesty's Consular Courts in the Levant."

To this, on the 27th ultimo, Mr. Blunt replied as follows:—

"I have to acknowledge the receipt of your letter dated the 26th instant, and with reference to an investigation of the judicial archives of the Consulate, I must refer you to Mr. Legal Vice-Consul Logie, the sole competent authority for acceding to your request."

On the 30th ultimo, therefore, the Committee through me addressed Mr. Logie, Her Britannic Majesty's Legal Vice-Consul here, inclosing copies of the two above letters, and requesting the permission required.

To this communication on the 4th instant Mr. Logie answered as follows:—

"I have the honour to acknowledge the receipt of your letter of the 30th ultimo, in which you request me, on the part of the 'Smyrna English Committee,' to 'allow two or more of its members to examine the archives of the Consulate for the purpose of ascertaining the number and amount of actions and suits for fifteen years previous to the establishment of the new Consular Court; also, the liberty of taking extracts from the said archives.'

"You state that 'the information required is for transmission to such Members of Parliament as have moved in the House of Commons for inquiry into the working of Her Majesty's Consular Courts in the Levant.'

"I am certainly the custodier of the judicial archives, and any one or more of them are open to inspection and search by any one having an interest therein on the payment of the proper fees; but I conceive that I have no authority without an order from the Foreign Office to supply, or assist in supplying, from them general information or statistical returns intended for use in either House of Parliament by individual members."

The Committee consequently bring the matter before your Lordship, respectfully requesting that you will as early as possible give instructions for the preparation of such Returns at Smyrna and Constantinople, so that no time may be lost in laying the facts before Parliament in its present session.

The object of the Committee is to show that before the constitution of the Supreme Consular Court system, the amount of litigation was small, and that the cases were decided by Assessors. The Committee hope that the establishment of these facts, personally known to them, will decide the Legislature forthwith to abolish the Consular Court system, and to return to one which was abolished without the concurrence of the residents, and that was simple, inexpensive, and suited to the usages of the country.

The Committee trust that in ordering these Returns your Lordship will take care that the preparation of them shall be under the supervision of some persons in whom the community may have confidence.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary.*

No. 9.

Mr. Wolff to Earl Russell.—(Received February 24.)

My Lord, *Anti Poll-Tax Committee, Smyrna, February* 10, 1863.

AS Chairman of a very numerous meeting of Englishmen, Ionians, and Maltese, held yesterday evening, I am desired to represent to your Lordship the general indignation that is felt at the imposition of a poll-tax of 5*s.* on women and on men; to express the unanimous determination to resist its collection, and to obtain its abolition; and to solicit the favour of your giving immediate instructions that the collection and all proceedings connected therewith may be postponed until the opinion of Parliament has been obtained on this unconstitutional and oppressive impost.

I have, &c.

(Signed) MAURICE WOLFF, *Chairman.*

No. 10.

Mr. Lawson to Earl Russell.—(Received February 24.)

My Lord, *Anti Poll-Tax Committee, Smyrna, February* 10, 1863.

I AM desired by the Committee to represent to your Lordship the general indignation that is felt at the imposition of a poll-tax of 5*s.* on women and on men; to express the unanimous determination to resist its collection and obtain its abolition; and to solicit the favour of your giving immediate instructions that the collection and all proceedings connected therewith may be postponed until the opinion of Parliament has been obtained on this unconstitutional and oppressive tax.

I have, &c.

(Signed) A. V. LAWSON, *Secretary.*

No. 11.

Mr. Tristram to Earl Russell.—(Received February 25.)

Smyrna English Committee, English Club,

My Lord, *Smyrna, February* 14, 1863.

THE Smyrna English Committee beg respectfully to submit to your Lordship that a new practice has been established in the Consular Court, under which no redress can be obtained in a criminal case until the sum of 7*s.* 6*d.* is paid for a summons.

Such sum is very heavy in a country where 1*s.* 6*d.* a-day is a common

rate of wages, and in which justice is administered by the Ottoman and Consular authorities as heretofore by the English authorities, without the exaction of fees.

The consequence is numerous complains from poor protected subjects, from Ottoman subjects, and from subjects of foreign Consulates, a frequent miscarriage of justice, and great discredit to English institutions.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary*,
Per FREDK. TURRELL.

No. 12.

Mr. Tristram to Earl Russell.—(*Received February* 25.)

Smyrna English Committee, English Club,
My Lord, *Smyrna, February* , 1863.

THE Smyrna English Committee beg most respectfully to represent to your Lordship that an Order in Council has lately been passed, seriously affecting the interests of the English in Smyrna and elsewhere in the Levant; and that this Order is being enforced in a very offensive and arbitrary manner, without its having been communicated to the English inhabitants. Many of our members have not been able to obtain a copy of the Order in Council; and, so far as we are informed, no copy can be got in London.

The Committee therefore earnestly recommend to your Lordship that copies of all regulations affecting the Levant should be distributed; that they should be advertised in the "Levant Herald" and the "Smyrna Mail;" that in the case of Smyrna they should be sent to the Smyrna Literary and Scientific Institution, to the English Club, and to this Committee; that in the case of Constantinople, as likewise in that of Beyrout, they should be sent to the Literary Institutions of those two places; and that in all places they should be sold at the Consulate.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary*,
Per FREDK. TURRELL.

No. 13.

Mr. Tristram to Earl Russell.—(*Received February* 28.)

Smyrna English Committee, English Club,
My Lord, *Smyrna, February* 17, 1863.

THE Smyrna English Committee beg respectfully to call your Lordship's attention to a practice of the Supreme Consular Court and its dependencies, of requiring from English subjects fees for what is called the communication of documents and replies between Ottoman subjects and English subjects. An ordinary fee for communicating a document is 5*s*., and the reply 7*s*. 6*d*., which it is supposed are in payment of the services of the Dragoman.

If the demand of the Rayah is unjust, and is rejected by the Ottoman authorities, it affords him a contrivance for annoying and mulcting an Englishman without expense to himself; and if the working of this engine of annoyance become generally known, it will materially injure British subjects in this country, for any native may practise it with impunity.

The Dragoman or Interpreter of the Ottoman Government makes no charge to British subjects.

The Dragomans are attached to the Consulates for the political purposes of Her Majesty's Government; and, consequently, according to the practices of the Levant, the services of Dragomans have been freely given.

It is not necessary for Her Majesty's Government to receive such

contributions, nor is it consistent with its dignity; while the effect has been to cause many persons to transact their own business direct with the Ottoman authorities, who willingly receive them, without requiring the intervention of a Consular Dragoman.

It is the opinion of the Committee that the charge for communications should be abolished.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary.*

No. 14.

Mr. Tristram to Earl Russell.—(Received February 28.)

Smyrna English Committee, English Club,

My Lord, *Smyrna, February 17, 1863.*

THE Smyrna English Committee beg most respectfully to represent to your Lordship that an Order in Council has lately been passed, under your Lordship's sanction, most materially affecting the English communities in the Levant, and not only has this legislation been carried out without their consent, and is, in its results, in many instances contrary to their interests and feelings, but no opportunity was afforded them to express their opinions before these enactments were made.

The Committee earnestly solicit that in all future cases of Orders in Council, or Rules and Regulations affecting the English communities in the Levant, a draft should be published and communicated in sufficient time to allow the inhabitants to tender their observations to Her Majesty's Principal Secretary of State for Foreign Affairs.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary.*

No. 15.

Mr. Lawson to Earl Russell.—(Received March 2.)

My Lord, *Anti Poll-Tax Committee, Smyrna, February 17, 1863.*

I AM desired by the Committee to request your Lordship immediately to postpone the collection of the tax, and to telegraph the same to Malta, Corfu, Constantinople, Smyrna, and Alexandria.

I have, &c.

(Signed) A. V. LAWSON, *Secretary.*

No. 16.

Mr. Tristram to Earl Russell.—(Received March 3.)

Smyrna English Committee, English Club,

My Lord, *Smyrna, February 21, 1863.*

THE Smyrna English Committee beg most respectfully to represent to your Lordship that the British community of this city are most grateful for the favourable consideration which has been accorded to their memorial on the subject of trial by jury.

It is opportune, however, to state that this mode of trial was not sought for as being the one best suited for the requirements of this place, but was suggested as the safest means of checking arbitrary conduct on the part of Consular authorities—a control which had become necessary, as has been proved by recent events at Constantinople and elsewhere in the Levant.

That which the communities of these parts stand in need of is the admnistration of justice in consonance with local usages, or, in other terms, in accordance with the laws which long experience has established as the best for a community composed of people from nearly all the quarters of the globe, and who are all intermixed with each other in commercial pursuits and social intercourse, rendering the application of English law altogether impracticable, if justice is intended to be dealt out between man and man.

Animated with this conviction the Committee respectfully recommend the adoption of Assessors in all civil cases, a system of trial for a long period well known and approved of in the important cities of the Levant; and they entertain the hope that Her Majesty's Government, after due consideration of this most important question, will abolish the present system and substitute one in conformity with this recommendation.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary*,
Per T. Richard Shepherd.

No. 17.

Mr. Tristram to Earl Russell.—(*Received March* 3.)

Smyrna English Committee, English Club,
Smyrna, February 21, 1863.

My Lord,

I AM desired by the Smyrna English Committee for the protection of British interests to call your Lordship's attention to the circumstance of the "Levant Herald" having been deprived by Sir Edmund Hornby of the advertisements of the Supreme Consular Court on the alleged ground of falsely reporting a trial, and of their having been transferred to the "Journal de Constantinople."

Putting aside the fact that the latter is a far inferior newspaper, and therefore does not circulate here, the Committee beg to point out to your Lordship that the English do not subscribe to French newspapers, but to those printed in their own language; nor does such newspaper circulate among the Ionians and Maltese as the "Levant Herald" does, neither is it understood by them.

So far the English public in the Levant would remain without cognizance of the proceedings of the Subreme Consular Court; but the Committee beg to call your Lordship's attention to the evil effect which the conduct of Sir Edmund Hornby must have on the English press in the East,—the "Levant Herald" and the "Smyrna Mail," which render such valuable services to British interests in these parts. The editor of the "Levant Herald" has already been amerced in heavy damages and costs for an alleged libel by the sole feat of Sir Edmund Hornby without a jury; and another editor in another case, the damages awarded being too, in both cases, below the limit of 500*l.*, which would have enabled the injured parties to appeal to the Privy Council at home.

If, besides this subjection to the arbitrary authority of Sir Edmund Hornby and his assistants, the English newspapers are to be thus dependent for the official advertisements, a further unfavourable influence will be exercised over the press.

I have, &c.

(Signed) W. B. TRISTRAM, *Honorary Secretary*,
Per T. Richard Shepherd.

No. 18.

Mr. Hammond to Mr. Tristram.

Sir, *Foreign Office, March* 12, 1863.

LORD RUSSELL has received from various persons at Smyrna the letters specified in the margin,* and as they all relate more or less to the same matter, he thinks it more convenient to return a general answer to them, which he requests you will have the goodness to make known to the several parties.

1. These letters complain generally of the present system under which Consular jurisdiction is exercised on Her Majesty's behalf in the Ottoman dominions, and specifically of the Supreme Consular Court established at Constantinople, and now exercising jurisdiction under the Order in Council of the 9th of January last (though at the date of the complaint exercising it under the Order in Council of the 27th of August, 1860), and also of the Consular Court established at Smyrna in its present form since the month of April 1861.

2. They desire further that the present system of administering justice in the British Consular Court at Smyrna should be done away with, and the one which it supplanted restored, with the former system of Assessors, and they would seem to hold cheaply the institution of trial by jury as not generally applicable to the requirements of Smyrna.

3. They complain further that the present system leads to great increase of litigation as compared with what was the case before it was inaugurated, and in order that this fact may be brought to proof they request to be allowed access to the Consular archives, and to have returns made out, showing the number of suits in the Consular Court at Smyrna in each of the last fifteen years.

4. They complain further of the late Order in Council not having been previously communicated to the English inhabitants of Smyrna, and of its being enforced in a very offensive and arbitrary manner, and they request that it may be communicated to the several parties and societies which they enumerate.

5. They complain further of the provision of the recent Order which requires all British subjects of full age, or of a certain status, to register themselves, and to pay a fee of five shillings for the registration.

6. They complain further that the community of Smyrna have never been placed in possession of the Report made by Sir E. Hornby on the complaints against the conduct of Mr. Consul Blunt contained in the Memorial addressed to the Earl of Malmesbury by certain residents at Smyrna in December 1858, and they ask that the same may now be communicated to the community.

7. They complain further of the rates of fees levied for processes in the Consular Court.

8. They complain further that the "Levant Herald," which is published at Constantinople, has been deprived by Sir E. Hornby of the advertisements of the Supreme Consular Court on the alleged ground of falsely reporting a trial.

Taking these complaints as far as possible in the order that I have stated them, Lord Russell desires me to observe:—

1. That the system of Consular Courts in the Levant for the exercise of the jurisdiction conferred upon the British Crown from a remote period by the Sultans of Turkey does not merely date from the establishment of the Supreme Consular Court at Constantinople, but, not to go further back, has existed under the direct superintendence of the British Government since the abolition of the Levant Company in the year 1825.

From that year the British Consuls in the Levant, exclusively appointed by the Crown have exercised twofold functions essentially distinct from each other—the one commercial, the other judicial; and the latter have always been the attribute of what is properly called a Consular Court, whether such Court is held by a Commercial Consul, or, as at Constantinople, by a Judge, or, as at Smyrna and Alexandria, by a Legal Vice-Consul sitting as Judge.

Every British Consular Officer duly commissioned by the Crown, unless where a special legal officer may have been appointed for the discharge of the judicial duties of the Consulate, has held, and still holds, under the Capitulations, and since the year 1843 under Act of Parliament also, a Consular Court for the administration of justice in civil and in criminal cases.

During the existence of the Levant Company, and for some years after its dissolu-

* Nos. 7 to 17.

tion, the number of British subjects, and of those entitled to British protection in the Ottoman dominions, was limited, the commercial operations in which they were engaged were on a restricted scale, and the disputes and differences which arose out of such operations were in proportion few and easy of adjustment.

But in process of time claims on the protection of the British Consulates, more especially at Constantinople, at Smyrna, and at Alexandria, became largely increased by reason of the increased number of British subjects and of citizens of the Ionian States, whom a spirit of industrial enterprize attracted to the Levant, and, as a necessary consequence, commercial transactions assumed a development and importance which rendered the simple machinery that in earlier times had sufficed for the adjustment of differences and disputes, wholly insufficient. Consuls uneducated for the legal profession were no longer competent, unaided by legal advice and superintendence, to deal with the aggravated crimes which were committed by persons exempted by the Capitulations from the jurisdiction of the territorial Sovereign, or to dispose of the numerous and complicated questions of commercial law continually arising in a community increasing in numbers and in commercial activity; and therefore, not only out of consideration for the obligations to the Porte by which the British Government is bound to take effectual steps for the exercise of the jurisdiction in criminal matters which the Sultans of Turkey have renounced in favour of the British Crown, but also with a view to the material interests of British subjects in the Turkish dominions, of whose suits between themselves the Turkish Courts cannot under the Capitulations take cognizance, Her Majesty's Government considered it indispensable to establish a superior legal tribunal which might be able to instruct, to superintend, and even if necessary to supply, in dealing with judicial matters, the place of the Consuls who, not having had the advantage of previous legal training, might find difficulty in dealing with the various cases of which the British Consular Courts could alone take cognizance, and which were yearly increasing in number and importance.

On these grounds, therefore, after mature deliberation and inquiry, the Supreme Consular Court at Constantinople was established in 1857; and it was empowered not only to administer justice in the capital, but to instruct, to superintend, and, if necessary, to supply the place of the Consuls at the outports in the exercise of their judicial functions: and when Lord Russell refers to the representations made to this office by some of the British residents at Smyrna in the month of December 1858, against Her Majesty's Consul in that city, in which they dwelt most emphatically on the inconvenience felt by the British community at that place from the legal inexperience of the Consul, and on the pain occasioned to them from seeing the efforts of Her Majesty's Government to remedy the defects that defaced the administration of justice in Turkey frustrated by analogous imperfections in a British Consular Court; and when he also refers to a letter from Mr. Hyde Clark, dated the 22nd of March, 1860, in which that gentleman says that "the state of the Court (at Smyrna) is now such as to bear very unjustly on the Court and the community, and to demand from Her Majesty Government an immediate remedy," he cannot but be surprised at the dissatisfaction now manifested by them at the Judicial Branch of the Consulate being placed under a gentleman duly qualified by legal education to discharge the duties of it.

2. Her Majesty's Government are not prepared to supersede that arrangement, which they are satisfied is well calculated to promote the interests of British subjects in the Ottoman dominions, and specifically at Smyrna. Adequate provision for the efficient administration of justice by a competent person can scarcely be held to be a matter of indifference even in a mixed community where commercial transactions of great importance are carried on. The substitute by which it is suggested that the present system, which was applied to Smyrna in a great measure in consequence of the complaints of the residents of the inefficiency of the old one, should be replaced, namely, a return to the old system, would afford a very inadequate compensation for the loss of the advantages with which it is attended. There might be a question of the expediency of establishing trial by jury in civil cases, but when once established it is manifestly out of the question to set it aside; and Lord Russell cannot but observe that the Memorial of the 5th of March, in which the British residents of Smyrna urged the extension of trial by jury among the English communities in Turkey, had reference more particularly to the appeal they stated that they had made to Her Majesty's Ambassador at Constantinople "to relieve us from the disabilities and disgrace which now weigh upon us, and to obtain for us the enjoyment of our birthright as Englishmen."

3. Lord Russell is not surprised to hear that the amount of litigation in the Consular Court at Smyrna has greatly increased of late years. The increase of wealth and of commercial activity in any community can scarcely fail to be followed by a numerical

increase of differences and disputes arising out of commercial transactions ; and, therefore, Lord Russell does not think it necessary to authorize the returns to be made out, as requested, with a view to establish a fact which may without hesitation be admitted to exist.

But this increase in the number of suits may doubtless be also attributed to the confidence felt that, under the improved system, justice is more satisfactorily administered; and parties who might have hesitated to submit their cause to an incompetent tribunal, and might have preferred to put up with a certain loss rather than run the risk of something worse, are, doubtless, now encouraged to assert their rights at law by the conviction that the presiding Judge is properly qualified to deal with the questions in dispute.

It may be true also that the establishment of a duly constituted Court at Constantinople and at Smyrna may have led to the formation of a Bar of qualified Advocates; but that circumstance may also imply that the interests at stake are of such a magnitude as to require to be protected by persons fitted by legal study and experience to uphold them; and, at all events, Lord Russell apprehends that the existence of such a Bar is not to be looked upon as an objection to the Court, but rather as a matter of congratulation, inasmuch as it affords an additional security for the due administration of justice.

It is to be observed, moreover, that even before the two branches of the Consulate were placed under distinct officers, there was no legal impediment to the formation of a Bar of Advocates. But the influence over the decision of a Consul not learned in law which an Advocate would doubtless exercise, might not always conduce to a right determination of a cause.

Lord Russell cannot understand how the provisions of the recent Order in Council, which did not come into operation until the 1st of March, should in the middle of February be enforced in a very offensive and arbitrary manner. His Lordship cannot, however, undertake to distribute copies of the Order in Council in the manner suggested. It was published as usual, in the "London Gazette" of the 13th of January; the Consuls were instructed to make its contents known at the places of their residence; and the Rules issued under it are, by an express provision of the Order, on sale in the Levant. I am to add, however, that as the Order and Rules are about to be laid before Parliament, additional facilities for obtaining copies of them will be afforded to all who may desire to do so.

5. Lord Russell thinks it right to observe, that the supposition that the registration system and the fee levied on registration are attributable to the suggestion of the Judge of the Supreme Consular Court, is erroneous. The system of registration was first legally established by the Order in Council in 1844, and it has been in force ever since that time. In the first instance, indeed, no fee was required of persons registering themselves, and they were not required to take out certificates of registration. All British subjects were, however, required to register themselves, and if they refused or neglected to do so they became liable to the penalty of forfeiture of British protection. By the subsequent Order in Council of 1860, while the obligation to register was continued under the same penalty in case of refusal or neglect, permission was granted for the issue of certificates of registration, if required by the party registered, on payment of a fee not exceeding five shillings. By the Order in Council of the 9th of January last, British subjects of full age, or of a certain status if not of age, are required to register themselves annually, and to pay on so doing a fee of five shillings; and "any British subject failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be recognized or protected as a British subject in the Ottoman dominions, and shall be liable to a fine of not more than forty shillings for each instance of such failure."

The introduction, at the earnest request and representation of British residents at Constantinople and at Smyrna, of jury trials in civil cases, renders it indispensable to enforce an annual registration of British subjects to serve as the basis for the formation of the annual jury list.

The provision for levying a fee of five shillings on registration was inserted, under the direction and authority of the Secretary of State, in the Order in Council previously to its being submitted for the sanction of Her Majesty, and the amount produced by that fee, like that produced by all other fees levied under the Order, will be applied in "diminution of the public expenditure on account of Her Majesty's Consular Service in the Ottoman dominions."

6. Lord Russell does not consider that any advantage could result from the publication of the report made by Sir Edmund Hornby in March 1859, on the representations against Mr. Consul Blunt addressed to the Earl of Malmesbury by some of the British residents at Smyrna in the preceding December. Those representations called forth at

the time representations, signed far more numerously, by other British residents and by citizens of the Ionian States also resident at Smyrna in support of Mr. Blunt; and Lord Russell, having before him the fact of such a divergence of opinion in a small community, considers that it would not conduce to the maintenance of harmony among the British and Ionian residents to revive, at this time, a matter which was the occasion of dissension above four years ago. But as the Earl of Malmesbury's decision on the case, after considering Sir E. Hornby's report, does not seem to have been made known at Smyrna, Lord Russell directs me to say that the Earl of Malmesbury's judgment was contained in the following passage of a despatch addressed by his Lordship to Mr. Blunt on the 27th of May, 1859:—

"I have to inform you that I have received from Mr. Hornby, the Judge of the Supreme Consular Court at Constantinople, his report of the judicial inquiry which he was instructed by me to make respecting certain charges brought against you in a Memorial addressed to me on the 14th of December last, by eighteen British subjects resident at Smyrna.

"I have learnt with much satisfaction from that Report that the memorialists have entirely failed to show that there was any foundation for the serious accusations made by them against you, and I have to acquaint you that Her Majesty's Government consider that your reputation has not suffered the slightest disparagement by the result of this inquiry."

7. Lord Russell will refer to Sir Edmund Hornby in regard to the fees, to which special allusion is made; and his Lordship will only observe at present that a Table of Fees to be taken in the Consular Courts is framed by the Judge of the Supreme Consular Court, in pursuance of the power vested in him by Order in Council, and that the rate of fees levied up to the date of the letters now before the Foreign Office was established under the Order in Council of August 27, 1860, and not under the Order in Council of the 9th of January, which only came into operation in the Levant on the 1st of March.

8. Lord Russell observes that no attempt is made to contest the sufficiency of the ground on which Sir E. Hornby is alleged to have deprived the "Levant Herald" of the advertisements of the Consular Court.

Having thus, by Lord Russell's directions, touched upon the most material points adverted to in the letters which have been received from some of the British residents at Smyrna, I am further to observe that the whole question of British Consular jurisdiction in the Levant was fully considered by the Committee of the House of Commons appointed in 1858 to inquire into the Consular service, and that the Committee reported on that point in the following words:—

"The administration of justice in the Levant under the Order in Council of 1844," (which date appears to be a misprint for 1857, as it was to the Order of that year that the attention of the Committee was more particularly called), "and the appointment of Mr. Hornby as Judge of the Consular Court at Constantinople, leave little to be desired. If it is compatible with prudential considerations to enable the Judge to make a circuit of two or three of the principal ports, and there hold an assize for the trial of grave offences, it would no doubt tend to more unity of legal proceedings, and relieve the Consuls from much painful responsibility. If, however, this is impracticable, a witness has suggested that the appointment of a Law Clerk to each of the chief Consulates, who should assist the Consul in his decision, might effect the same object."

Lord Russell desires me to say that subsequent experience has confirmed the correctness of the conclusion at which in 1858 the Committee of the House of Commons arrived; and his Lordship cannot but remark that no such representations as those received from the British residents at Smyrna have been received from the British residents at Constantinople, whose interests, in proportion to the magnitude of the transactions in which they are engaged, might be supposed to be more affected by the establishment of the Supreme Consular Court in that capital. The inference would seem to be, that the residents at Constantinople do not view the matter in the same light as the residents at Smyrna; and, indeed, Lord Russell has now before him a letter from Mr. Routh, dated Constantinople, December 25, 1862, and expressing on behalf "of some of the most respectable Ionian-British subjects" in that capital, their alarm at the prospect of losing British protection, "a protection which, they say, has been so efficient for them for many years, both as regards the Embassy and the Supreme Consular Court."

I am to state to you, in conclusion, that Lord Russell feels persuaded that the system for exercising Consular jurisdiction in the Levant, which received in 1858 the approval of the Committee of the House of Commons, and which previously to and since that time has been carried out under the able superintendence of Sir E. Hornby, is calcu-

lated not only to insure justice being done in the several British Consular Courts, whether presided over by legal officers or by commercial Consuls, but also to serve as an example and as an encouragement for the improvement of the Turkish Tribunals, the defects in which gave rise to the extra-territorial jurisdiction conferred at different times, by successive Sultans, on the Sovereign of this country, and on other Christian Sovereigns and States.

I am, &c.
(Signed) E. HAMMOND.

RETURN OF FINES

INFLICTED BY

HER MAJESTY'S CONSUL

AND

THE CONSULAR COURT

AT

SMYRNA,

From the Year 1856 to December 31, 1862.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated April 23, 1863.

LONDON:
PRINTED BY HARRISON AND SONS.

RETURN to an Address of the Honourable the House of Commons, dated April 23, 1863; *for*—

"Return of all Fines inflicted by Her Britannic Majesty's Consul upon British Subjects resident in Smyrna, from the year 1856 to the 31st day of December, 1862, and of all Fines received by Her Britannic Majesty's Consul at Smyrna, from the year 1856 to the 31st day of December, 1862, and the manner in which the money has been appropriated, in accordance with the Memorandum issued by the Foreign Office on the 2nd day of July, 1844."

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RETURN of all Fines levied by Her Majesty's Consul at Smyrna, from the Year 1856 to the date of the establishment of the Legal Court.

No.	Date.	Name of Offender.	Age.	Country.	Residence.	Profession.	Offence charged with.	Parties charging.	Names of Witnesses.	Days on which Examined.	Final Hearing.	Finding, and if guilty, what Offence proved.	Date of previous Conviction, if any.	How disposed of.	Assessors, if any, and concurring or dissenting.
1	1857 Dec. 16	Giovanni Ellul	55	Malta	Smyrna	Carpenter	Drunkenness and abusive language	Regina Ellul	Daniel Ellul	1857 Dec. 16	1857 Dec. 16	Guilty	None	Fined 2 dollars, equal to 9*s.*	None.
2	1859 June 6	John Vince	43	England	Ditto	Sub-contractor	Assault	George Gilba	A. Titmass Adam Kavas	1859 June 6	1859 June 6	Assault	Ditto	Fined 5*l.* sterling	Ditto.
3	June 8	David Garvin	26	Ditto	Brig "Prospero"	Seaman	Drunkenness and assault	W. Ross, Master, barque "Cowslip" E. Fuller, Mate of "Prospero"	George Gunn James Brown	June 8	June 8	Guilty of offence charged	Ditto	Fined 10*s.* for first offence; imprisonment of twenty-four hours for the second	Ditto.
4	July 6	John Curtis	44	Ditto	Saladin	Sub-contractor	Assault	Henry Fotherby		July 6	July 6	Assault	Ditto	Fined 3*l.* sterling, and costs	Ditto.
5	July 14	William Gilbertson	36	Ditto	Sedigivi	Contractor's agent	Assault and battery	Benjamin North	Duncan Forbes Vassili Dimitri	July 14	July 14	Assault and battery	Ditto	Fined 15*l.* sterling	Ditto.
6	July 14	Benjamin North	23	Middlesex	Railway stables	Groom	Assault	J. Chapman Ives	Own confession	July 14	July 14	Assault	Ditto	Fined 10*s.*	Ditto.

RECAPITULATION OF FINES.

	£	*s.*	*d.*
Giovani Ellul	0	9	0
John Vince	5	0	0
David Garvin	0	10	0
John Curtis	3	0	0
William Gilbertson	15	0	0
Benjamin North	0	10	0
Total	24	9	0

Smyrna, April 11, 1863.

(Signed) CHAS. BLUNT, *Consul.*

RETURN of Fines levied in Her Britannic Majesty's Consular Court at Smyrna, from April 17, 1861, to December 31, 1862.

No.	Date.	Name.	Country.	Offence.	Fine.			Remarks.
	1861				£	s.	d.	
1	July 17	John Petrouni ..	Ionian Islands .	Assault	4	0	0	
2	Aug. 26	John Mitchell ..	England ..	Ditto	4	0	0	
3	Oct. 14	Nelson Browning ..	Ditto	Ditto	4	0	0	
4	Oct. 18	Donato Messona ..	Ionian Islands .	Wilful damage to property	0	1	0	Ordered to compensate the complainant.
	1862							
5	Jan. 18	Robert Langlands .	England ..	Assault	4	0	0	Master of a brig, for assaulting a boy on board.
6	Jan. 27	James Bradson ..	Ditto	Ditto	0	10	0	Seaman's case.
7	Feb. 15	Stefani Cassimati ..	Ionian Islands .	Ditto	0	1	0	To find surety for three months.
8	Mar. 17	Frederick Wyatt ..	England ..	Ditto	4	0	0	
9	July 3	Anastasio Copana .	Ionian Islands .	Ditto	1	0	0	Ordered to find sureties.
10	Aug. 2	Donato Messona ..	Ditto	Ditto	5	0	0	
11	Aug. 21	Giorgio Aroni ..	Ditto	Ditto	3	0	0	
12	Sept. 25	Foti Vracoula ..	Ditto	Ditto	0	4	0	
13	Dec. 18	Andrico Arpadji ..	Ditto	Ditto	0	10	0	
					30	6	0	

I hereby certify the above to be a true and faithful Return of all fines levied in this Court for the period between April 17, 1861, and December 31, 1862.

Smyrna, April 11, 1863.

(Signed) DONALD M. LOGIE, *Resident Legal Vice-Consul.*

The fines have been applied in diminution of the public expenditure on account of the Consular Service in the dominions of the Sublime Ottoman Porte, in accordance with the provisions of the Orders in Council of July 1, 1844, and August 27, 1860.

REPORTS

OF

LORD HOBART

ON

TURKISH FINANCES.

Presented to both Houses of Parliament by Command of Her Majesty.
1863.

LONDON:
PRINTED BY HARRISON AND SONS.

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Reports of Lord Hobart on Turkish Finances.

No. 1.

Lord Hobart to Earl Russell.—(Received May 31.)

(Extract). *Constantinople, May 20, 1862.*

IMMEDIATELY on my arrival here I called upon Her Majesty's Ambassador, and the next day placed myself in communication with Fuad Pasha, the Grand Vizier. His Highness informed me that a preliminary Committee was already named, and would be at once called together, for the purpose of deciding upon a plan to be adopted for the application of the money which the new foreign and internal loans have placed at the disposal of the Porte, to the extinction of the paper money and the liquidation of the floating debt. The Committee was to be under the presidency of his Highness, and was to consist of—the Grand Vizier; Ahmet Vefyk Effendi, who is a member of the Turkish Government, and has held the post of Finance Minister; the Marquis de Plœuc, who has long been in the employment of the Porte as a member of the "Conseil du Trésor," and who is, for the present purpose, the nominee of the French Government; M. Lachenbacher, also a member of the "Conseil du Trésor;" Mr. Gilbertson, of the Ottoman Bank; M. Ibry, who was concerned in obtaining the recent loan, and who is a gentleman of much knowledge and experience on financial subjects; and myself.

The Committee thus appointed has held several protracted meetings, at which the question before it has been most anxiously and carefully discussed; and the result is, that a plan has been proposed by the Grand Vizier to the Council of Ministers, and has received their approval.

In order to deal in a thoroughly satisfactory manner with the subject under consideration, it would obviously have been desirable that the Committee should have before it a complete list and explanation of the various items of the floating debt, so that it might be enabled to form a judgment as to the amount of metallic money which would be required for its liquidation. But, on the one hand, no such information was forthcoming; and, on the other, it was evidently of the utmost importance to arrive at an immediate decision in regard to the paper money, which has long caused intolerable confusion and uncertainty in commercial affairs, and seriously diminished both the receipts of the national Treasury and the popularity of the Sultan's Government. It was determined, therefore, without further delay, to take the statement of the Grand Vizier as to the amount of metallic which would be required for the floating debt, and upon that statement to proceed at once to the consideration of the course to be pursued. It has since appeared that a complete and detailed account of the floating debt had been prepared, and that the statement of the Grand Vizier was based upon that account.

The plan, then, which it has been decided to adopt is as follows:—

The total amount of debt to be paid off is—

	Bourses.	£ sterling.
1. Caimé (Paper money) ..	2,000,000	9,000,000
2. Floating debt	1,700,000	7,650,000
	3,700,000	16,650,000

The metallic money available for the purpose will be—

	Bourses.	£ sterling.
English loan	1,100,000	4,950,000
Internal loan	400,000	1,800,000
	1,500,000	6,750,000

1. *Caimé.*—The maximum amount of metallic money which the Grand Vizier estimated as necessary for the settlement of the floating debt was 700,000 bourses, or 3,150,000*l.*; thus leaving a sum of 800,000 bourses, or 3,600,000*l.*, of metallic money, for the extinction of the caimé.

It is proposed, therefore, that each holder of caimé shall receive 40 per cent. in metallic money; and 60 per cent. in stock at par, bearing 6 per cent. interest, and a sinking fund of 2 per cent.

2. *Floating Debt.*—As regards the floating debt of 1,700,000 bourses (7,650,000*l.*), the proposal is to deal with it as follows:—700,000 bourses (3,150,000*l.*) will be paid in metallic; and 1,000,000 bourses (4,500,000*l.*) in stock at par, bearing 6 per cent. interest, and a sinking fund of 2 per cent.

The total amount of stock to be created for the two operations is (as will be seen) 2,200,000 bourses (9,900,000*l.*), which, at 6 per cent. interest, and 2 per cent. sinking fund, will entail an annual charge upon the Treasury of 176,000 bourses, or 792,000*l.*

A Commission (consisting of Ahmet Vefyk Effendi, M. de Plœuc, M. Lachenbacher, and myself, with three or four Ottoman subjects, whose names I do not as yet know) for the control and supervision of the arrangements by which the scheme thus decided upon is to be carried into effect, has already been appointed; and its nomination, as well as that of the executive body by which the conversion of the caimé is to be performed, will at once be announced to the public.

The whole of the money to be received on account of the English Loan, as well as that which has already been received (180,000 bourses, or 810,000*l.*) on account of the Internal Loan, will be placed under the charge of the Commission of Control. But it was urgently represented to us by the Grand Vizier that out of these moneys it was desirable that he should at once be put in possession of 200,000 bourses (900.000*l.*), that is to say, of the 180,000 bourses just mentioned as having been obtained from the Internal Loan, and 20,000 bourses (90,000*l.*) from the first receipts of the English Loan, in order that he might apply it in the following manner:—

The 700,000 bourses in metallic, which (as above stated) are thought necessary for the liquidation of the floating debt, include a sum of 300,000 bourses (1,350,000*l.*) which have recently been advanced by the Treasury in payment of arrears due to the public services. In consequence of this advance the Treasury is in a deficiency of 300,000 bourses, which must in some manner be supplied in order to enable it to provide for the current expenditure of the State. The Grand Vizier proposes that this sum of 200,000 bourses (900,000*l.*) shall go towards the supply of this deficiency; and inasmuch as a part of the 700,000 bourses required for the discharge of the floating debt is payable (while the paper-money exists) in paper-money, he expects that the immediate use of the sum thus confided to him will enable him, by taking advantage of the present rate of exchange, to reduce by 150,000 bourses the 700,000 bourses so required. In other words he will, if successful in this operation, obtain a sum of 150,000 bourses, which may be applied in addition to the metallic money available for the discharge of the floating debt, and therefore in diminution of the amount of stock to be issued for that purpose. The Grand Vizier engaged that a complete account of this operation, and of the precise mode in which the money was employed, should be rendered to the Commission of Control.

This proposition was obviously open to some objection, as it involved the exemption of a considerable sum from the direct control of the Commission. But the money is to be applied, as your Lordship will perceive, virtually to the purposes to which the Turkish Government is morally bound to apply it, viz., the payment of the debts of the State. Its application in the manner proposed is likely to secure a considerable profit, not unfairly made, to the public Treasury, and which will be employed in improving the position of the public creditor; and an exact account is to be furnished to the Commission of the mode in which it is expended.

Moreover, it was difficult to perceive in what other manner, except by a resort to some measure disastrous in its consequences, the present requirements of the public service could be supplied. I therefore, in common with a majority of the Committee, considered that we had no option but to agree to the proposal.

It was agreed at the last meeting of the preliminary Committee, that the announcement of the terms on which the caimé were to be converted should (if possible) be issued in less than a fortnight from this date. Some considerable delay will be caused by the necessity of coining Turkish money, and in preparing the new obligations; but it was arranged that the conversion of the caimé should commence in two months from the date on which the terms of conversion are announced by the Government, and that three months should be the time allowed for effecting the conversion, after which the caimé should no longer possess a legal circulation.

It is proposed that the interest of the new stock shall be payable in November and May, and shall date from the commencement of the current financial year; but that, in order to lighten in some degree the burden thrown upon the Treasury, the first of the "tirages" provided for by the sinking fund shall not take place till the year 1864.

In regard to the floating debt, some delay must necessarily take place; but I shall urge the Grand Vizier to take such steps as may provide for the commencement of the operation as soon as possible. Once begun it will, I fear, be a somewhat protracted one. The claims are very various in their character, and separate treatment will be required for each according to the category to which it is found to belong.

I have reason to believe that the arrangements which have thus been made will not be unfavourably received by the public here. Much credit is, I think, due to the Grand Vizier for the promptitude and energy which he has hitherto shown in this matter; and though delays and difficulties are to be apprehended as respects the liquidation of the floating debt, I trust that the conversion of the caimé, on terms which are on the whole not unsatisfactory, may be considered as an event which is close at hand.

No. 2.

Lord Hobart to Earl Russell.—(*Received June* 30.)

My Lord, *Constantinople, June* 18, 1862.

I INCLOSE, for your Lordship's information, a copy of the official announcement which has just been issued by the Turkish Government of its plan for the withdrawal of the paper-money. The only difference of any importance between the plan thus announced and that which I have already communicated to your Lordship consists in the substitution of two months for three as the time to be allowed for the actual operation.

The "Commission of Control," of whose nomination I informed your Lordship in my despatch of the 20th ultimo, has held several meetings, and has been occupied with the necessary executive arrangements. Its European members are:—M. de Plœuc (the French Commissioner), M. de Lachenbacher, M. Ibry (who represents the agents for the English Loan), and myself; and its Ottoman members—Ahmet Vefyk Effendi (President), the Master of the Mint, the Mustechar (second in command) of the Finance Department, Ohannes Effendi, and Jefdet Effendi, who is the legal member. The whole of the money which has been or is to be received on account of the new foreign and internal loans has been placed (as I stated to your Lordship in the same despatch) under the charge of this Commission; and that part of it which is applicable to the withdrawal of the caimé will be applied to that purpose under the direct and immediate superintendence of the Commission, by means of a staff of Turkish officials, to be carefully selected, chiefly from the Finance Department. The remainder of the money, *i.e.*, that part of it which is applicable to the liquidation of the floating debt, will also be applied under the direct and immediate control of the Commission, subject to the arrangement noticed in my former despatch, by which a sum of 200,000 bourses (900,000*l.*) was to be at once placed by the Commission, for the purposes which I explained, at the disposal of the Grand Vizier, who was to be accountable to the Commission for its due employment; to which sum must be added 50,000 bourses (225,000*l.*) which,

before my arrival at Constantinople, had been taken by the Grand Vizier out of the proceeds of the Internal Loan to be used for the same purposes, and which will be accounted for to the Commission in the same manner as the first-mentioned sum.

Of the Internal Loan, the full amount of which was fixed at 400,000 bourses (1,800,000*l.*), only about 250,000 bourses have hitherto been received by the Treasury; but the Grand Vizier appears to be confident as to the realisation of the remainder.

The official announcement has been received, so far as I can learn, with very general favour by the public. The market valuation of the forthcoming stock is, I believe, considerably higher than it was expected to be; and the value of the caimé is slowing rising. The home stock already existing has, of course, been depreciated by the intended addition to its amount; but there can be little doubt that if the Turkish Government shows an intention of steadily carrying into effect the measures which it has announced, a great improvement will at no distant time take place in the value both of its home and foreign securities.

I have, &c.
(Signed) HOBART.

Inclosure in No. 2.

Supplement to No. 1,896 *of the "Journal de Constantinople."*

SUBLIME PORTE.

Communication du Gouvernement.

RETRAIT DES CAIMES.

Arrêté.

LES mesures dont l'adoption a paru nécessaire au Gouvernement Impérial pour l'amélioration de la situation financière de l'Empire, mesures développées dans le Rapport présenté à Sa Majesté Impériale par le Grand Vézir et publié précédemment après avoir été revêtu de la sanction souveraine par un Hatti-houmayoum prescrivant sa mise à exécution, reposaient sur les trois bases suivantes:—

1. Retrait complet du caïmé, dont la circulation porte du trouble dans les transactions du Trésor et des particuliers.

2. Liquidation des dettes flottantes des diverses Administrations;

3. Et enfin, publication des budgets de recettes et de dépenses et, en même temps, réalisation des mesures propres à accroître le revenu et à réduire les dépenses, afin d'obtenir l'équilibre entre les recettes du Trésor et les dépenses publiques, y compris celles qui résulteront de la liquidation des dettes flottantes.

L'impossibilité de se procurer une quantité suffisante de numéraire pour la suppression du caïmé, et la liquidation des dettes flottantes ayant imposé la nécessité d'en rembourser une partie par une nouvelle émission d'obligations de rente, le Gouvernement Impérial a entrepris, comme base de règlement, de conclure un emprunt à l'étranger, et d'ajouter les fonds provenant de cet emprunt aux sommes qu'il lui serait possible de réaliser à l'intérieur.

Le produit net de cet emprunt est de 5,000,000 de livres sterling, qui, au cours de 110 piastres pour chaque livre sterling, représente 1,100,000 bourses.

La transformation en un emprunt intérieur de la somme de 300,000 bourses demandées aux Provinces à la suite de la décision prise antérieurement pour la circulation des caïmés dans toute l'étendue de l'Empire, somme dont la plus grande partie est déjà encaissée, et la réalisation d'une centaine de mille bourses qui seront obtenues à titre de prêt des fonctionnaires de l'Etat, produiront ensemble 400,000 bourses.

Le montant de ces deux ressources s'élevant à 1,500,000 bourses en espèces, servira avec de nouveaux titres, qui portent, comme les Eshami-Djedidé actuels, 6 pour cent d'intérêt annuel et 2 pour cent d'amortissement, payables en Medjidiés d'or au taux de 100 piastres, au remboursement du caïmé et à la liquidation des dettes.

La plus petite portion du caïmé laissée en circulation devant continuer d'exercer son influence sur les transactions, il est absolument indispensable d'en opérer le retrait complet; et comme une partie des dettes flottantes se compose de sommes qui doivent être remboursées intégralement en metallique, il faudra nécessairement, pour régler la totalité des dettes, adjoindre des obligations de la nature susmen-

tionnée au numéraire réalisé, afin de parvenir à supprimer complètement les caïmés, conformément à la résolution arrêtée et à payer également les dettes flottantes.

On a vu, par la publication précédente, que la totalité des caïmés s'élève à 2,000,000 de bourses.

Quant aux dettes flottantes, bien que le chiffre en ait été également établi à 2,000,000 de bourses, des investigations ultérieures ont eu pour résultat de réduire de 300,000 bourses, la somme primitive, du découvert, et l'on est en droit de penser que ces dettes, dont on poursuit l'examen et la liquidation, seront encore réduites au moment du remboursement.

Le retrait complet du caïmé forme la base de toute amélioration financière et le fondement de toutes les facilités qu'il est possible d'accorder aux transactions entre les particuliers.

Des facilités de toute espèce et une parfaite régularité devant en résulter, soit pour le remboursement des dettes, soit dans l'administration générale des finances, il a été décidé qu'il sera procédé en premier lieu au retrait des caïmés, et que ce retrait sera effectué en totalité et dans le plus bref delai.

Le caïmé constitue une espèce de dette pour l'Etat. Mais, vû le taux relatif du métallique, son émission n'a jamais eu lieu au pair, et l'on sait que dans d'autres pays le papier monnaie a été, sous l'empire d'une nécessité impérieuse, l'objet d'une réduction au moment de son retrait. Cependant le Gouvernement Impérial a préféré un mode de règlement qui, sous l'influence des mesures adoptés, est le plus favorable aux intérêts du public, et qui met à sa propre charge la majeure partie des sacrifices. Il a été décidé que le retrait du caïmé aura lieu au pair ; c'est-à-dire, par l'échange d'une valeur de 100 piastres contre un caïmé de pareille somme.

Mais, comme le capital métallique réalisé ne sera pas suffisant pour rembourser en espèces la totalité des diverses catégories de la dette, une partie de cette valeur de 100 piastres, partie égale à 40 pour cent, sera payée en livres d'or Turques, au cours de 100 piastres, et l'autre partie, soit 60 pour cent, en obligations d'Eshami Djédidé.

Si l'on tenait compte du rapport actuellement existant entre les espèces métalliques et le papier monnaie, l'on se convaincrait facilement que les détenteurs du caïmé recevront ainsi, pour chaque billet de 100 piastres, une valeur en monnaie de bon aloi, presque égale à celle qu'ils pourraient se procurer aujourd'hui, s'ils voulaient l'échanger contre espèces, et en même temps un titre de rente représentant 60 piastres et jouissant de 6 pour cent d'intérêt et de 2 pour cent d'amortissement. On ne saurait méconnaître que c'est là un mode de règlement qui présente toutes les conditions de généreuse équité.

Le chiffre des caïmés s'élevant à 2,000,000 de bourses, son remboursement, conformément à la base adoptée, exigerait une somme de 800,000 bourses en numéraire et une autre somme de 1,200,000 bourses en obligations d'Eshami Djédidé.

La première de ces deux sommes sera naturellement prélevée sur le capital métallique affecté à cette destination.

En ce qui concerne les Eshami Djédidé, comme ces titres doivent aussi servir au remboursement du reste de la dette flottante et à la liquidation des emprunts intérieurs, une somme de 1,200,000 bourses prise sur le chiffre des Eshami Djédidé à créer et dont les intérêts figurent dans le budget approximatif publié précédemment, sera émise tout d'abord, et l'émission du restant aura lieu par portions successives selon les quantités nécessaires au moment de la régularisation des autres dettes déjà toutes reconnues.

Les fonds affectés aux paiements des intérêts et de l'amortissement des Eshami Djédidé actuels à émettre seront, à l'instar des annuités des divers emprunts contractés en Europe, assignés sur des revenus spécialement désignés, et ils seront versés directement à la Caisse d'Amortissement.

Les mesures qui seront prises pour le paiement des intérêts de ces obligations et pour leur négociation, soit en Europe, soit dans les provinces, contribueront évidemment à augmenter leur crédit.

D'un autre côté, le Gouvernement Impérial devant prendre les mesures nécessaires pour retirer, après la suppression des caïmés, les monnaies de mauvais aloi, afin d'obtenir ainsi une fixeté complète dans la valeur des espèces monnayées, valeur qui sert de mesure aux échanges dans les transactions du public, et pour développer l'agriculture et le commerce par l'établissement de voies de communication afin d'accroître ainsi la richesse du pays, il est évident que les opérations du Trésor et du

public en général en éprouveront toute sorte d'améliorations et les populations de tout l'Empire en retireront les plus grands avantages.

Le retrait du caïmé constituant le principe et la base de toutes transactions possibles, il sera procédé à la mise à exécution de cette mesure. En conséquence le Gouvernement Impérial arrête :—

Article 1. Les caïmés en circulation seront complètement retirés. Il sera délivré pour chaque 100 piastres en caïmé 40 piastres de numéraire la livre Turque d'or calculée à 100 piastres, et 60 piastres d'obligations d'Eshami Djédidés, jouissant de 6 pour cent d'intérêt et de 2 pour cent d'amortissement, payables en Medjidiés d'or effectifs au cours de 100 piastres.

800,000 bourses en numéraire et 1.200,000 bourses Eshami Djédidés sont affectés à cette destination.

Art. 2. Une Commission est instituée à l'effet de surveiller les paiements effectués et l'annulation des caïmés retirés de la circulation.

Une Administration provisoire sera chargée de délivrer les espèces et les obligations de rentes en échange des caïmés déposés.

Toutes les opérations de cette administration seront placées sous le contrôle de la Commission.

Art. 3. Afin de procurer toutes les facilités possibles aux détenteurs des caïmés et de maintenir en même temps l'unité dans les opérations, le rez-de-chaussée des bâtiments de l'Université, situés vis-à-vis de la mosquée de Ste. Sophie, sera spécialement disposé pour recevoir l'Administration provisoire, qui y installera ses bureaux et ses caisses.

Art. 4. Les opérations commenceront le $\frac{1}{13}$ Juillet, 1862, et seront complétées dans l'espace de deux mois. Tout détenteur de caïmés sera tenu de présenter, dans le délai prescrit, ses caïmés au bureau chargé de leur réception.

Des guichets spéciaux seront établis dans ce local pour recevoir et vérifier les caïmés apportés par le public ; et d'autres caisses fonctionneront à côté, de manière à opérer immédiatement les contre-paiements en numéraire et en Eshami-Djédidés.

Art. 5. Tout individu qui ne se présentera à l'échange qu'après l'expiration du délai de deux mois fixé pour le retrait du caïmé, perdra le droit d'obtenir du numéraire, et il sera remboursé totalement en Eshami Djédidé.

Ce mode de remboursemeet lui-même n'aura lieu que pendant un délai de six mois, au-delà duquel les caïmés présentés à l'échange ne seront plus acceptés.

Art. 6. Le délai pour le retrait des caïmés étant fixé à deux mois à partir du $\frac{1}{13}$ Juillet, 1862, ils pourront circuler jusqu'au $\frac{1}{13}$ Septembre de la même année.

Le Trésor continuera à les recevoir et à les donner en paiement jusqu'à cette époque, après laquelle leur circulation sera complètement interdite.

Constantinople, le 15 *Juin,* 1862.

No. 3.

Lord Hobart to Earl Russell.—(Received July 25.)

My Lord, *Constantinople, July* 16, 1862.

I HAVE the honour to inform your Lordship that, in accordance with the official announcement of which a copy was inclosed in my despatch of the 18th ultimo, the withdrawal of the paper money commenced on the 13th instant. The operation has hitherto been conducted with regularity, precision, and success; and, judging from the experience of the first few days, there seems good reason to anticipate that it will be satisfactorily completed within the time allotted for its duration in the announcement to which I refer.

The arrangements and regulations necessary for carrying the measure into effect have been prepared by the Commission of Control; and their execution has been entrusted to a body of officials appointed for the purpose by the Turkish Government, and placed under the orders of Ethem Pasha, a Turkish functionary of high character and considerable ability, with whom are associated, as a kind of Executive Council, Messrs. Gilbertson (of the Ottoman Bank), Ibry, and Guarracino (who represent the agents for the late loan), and two Ottoman subjects of experience and intelligence.

When the operation is completed, about 3,600,000*l.* of the English Loan will (as I have already explained to your Lordship) have been applied to the extinction of the paper money.

As regards the floating debt, the Grand Vizier has summoned the members of the Preliminary Committee mentioned in my despatch of the 20th May last to meet again on Saturday next, for the purpose of further considering the best mode of applying to the liquidation of that debt the remainder of the money proceeding from the English and Internal Loans.

His Highness also informs me that the accounts respecting the employment of the 200,000 bourses (about 900,000*l.*), which were placed in his hands under the arrangement explained in that despatch, and of the 50,000 bourses which he had previously taken out of the proceeds of the Internal Loan, have been prepared, and will shortly be submitted to the Commission of Control.

I have, &c.
(Signed) HOBART.

No. 4.

Lord Hobart to Earl Russell.—(Received August 1.)

My Lord, *Constantinople, July* 23, 1862.

THE meeting which, as I informed your Lordship in my despatch of the 16th instant, had been convened by the Grand Vizier for the purpose of further considering the course to be pursued in regard to the floating debt, was held accordingly, on the 19th instant, under the presidency of his Highness.

The urgent necessity which existed on my arrival at Constantinople for an immediate and satisfactory solution of the more important question respecting the paper-money, even though at some sacrifice on the side of the floating debt, has hitherto prevented the full consideration of this subject; and the proposals and estimates with regard to it which my former despatches contain were provisionally made, and subject to the further deliberation which it would be necessary to give to them when the Government should be relieved from its anxiety respecting the caimé.

The most desirable mode, had it been possible, of dealing with the floating debt would have been its liquidation by the Commission of Control, after a careful examination and classification of the various liabilities, and under systematic regulations previously laid down. But in the actual state of the case, this course can hardly be considered practicable. As stated in my despatch of the 20th May, it was decided by the Preliminary Committee that of a total issue of stock amounting to 2,200,000 bourses (9,900,000*l.*), 1,000,000 bourses (4,500,000*l.*) should be applicable to the floating debt; and that of a maximum available amount in money of 1,500,000 bourses (6,750,000*l.*), the amount reserved for the floating debt should be 700,000 bourses (3,150,000*l.*). If the proportion of specie assigned to the floating debt had been sufficient to admit of the arrangement, it seems probable that those creditors whose claims it is not absolutely necessary to settle in cash would have been ready to accept payment partly in money, and partly in stock at par, the proportion of money to stock varying according to the character of the claim; and it might thus have been possible for the Commission of Control to have effected, on a regularly organized system, the complete liquidation of the debt. But, under the arrangement actually adopted, and which was rendered necessary by the extreme importance of a conversion of the caimé on terms which should be just and well received by the public both at home and abroad, the money available for the floating debt will, it appears, be wholly inadequate to provide for such a complete liquidation. The home stock of the Government is saleable in the market only at a discount of nearly 60 per cent., and though some of the claims might probably be disposed of in stock at par, a large majority of them must be paid in stock at rates of discount varying with the nature of the claim, and the disposition of the claimant to accept the offered terms, but on the average very considerable: while, inasmuch as the whole amount of stock to be issued cannot be exceeded without overcharging the annual revenue, it is evident that the settlement of some portion of the liabilities must be deferred.

Arrangements of this nature could not (as it would appear) be conveniently or successfully effected otherwise than by the direct and separate negotiation of the Government with its creditors; and it is therefore proposed that the operation shall be conducted directly by the Government, but that full accounts both as to the receipts from time to time of the fund applicable to the purpose, and of the mode in

which they are employed, shall be rendered to the Commission of Control, which shall be charged with the examination of those accounts, and with a final report to the Government in regard to the disposal of the whole of the money proceeding from the Foreign and Internal Loans. The operation will be at once proceeded with by the Grand Vizier, but it must necessarily be a work of considerable time, if only on the ground that a large part (nearly 700,000*l.*) of the Internal Loan still remains to be realized in instalments of uncertain date, and that the whole of it will scarcely have been received, at the earliest, before the commencement of the ensuing year.

It may be desirable that I should now state shortly to your Lordship what is the actual position of affairs as regards the object of my mission.

The produce of the English Loan, deducting commission, discount, freight, insurance, and other incidental expenses, is (stated approximately) 5,100,000*l.* The actual net produce of the loan is, however, less than this sum by 480,000*l.*, which is the amount retained, under the terms of the contract, for the interest of the current year, and which should be supplied by the Turkish Treasury from the revenues of the year. The actual net produce of the loan is, therefore, no more than 4,620,000*l.* Of this sum 3,600,000*l.* is now in course of application to the conversion of the caïmé.

Of the remainder, there has already been applied towards the extinction of the floating debt a sum amounting in all to 388,000*l.*, and which consists of the following items:—170,000*l.* paid to the Ottoman Bank, in discharge of a debt due to that establishment; 128,000*l.* sent directly from England to Syria, in accordance (as it appears) with an understanding at the time the loan was made, and in payment of the Syrian indemnities; and 90,000*l.*, being a portion of the interest due in September next on the Loan of 1858, retained, for the sake of convenience, by the Syndicate for the loan, and which sum has been applied by the Grand Vizier (who in this respect has gone beyond the strict terms of his engagement with the Preliminary Committee) in liquidation of some of the more pressing debts.

Thus, if we suppose the conversion of the caïmé, which will probably have been completed in the course of a few weeks, to have been already completed, it appears that of 4,620,000*l.*, constituting the actual net produce of the loan, 3,988,000*l.*, or, in other words, the whole of the actual net produce of the loan, with the exception of a sum of 632,000*l.*, has been applied to the purposes for which the loan was contracted, viz., the conversion of the paper money and the liquidation of the floating debt.

Of the Internal Loan, the full amount of which is 400,000 bourses (about 1,800,000*l.*) only 250,000 bourses have yet been received. Of this sum 235,000 bourses (about 1,060,000*l.*), viz., 185,000 of the 200,000 bourses which were assigned to the Grand Vizier, as was explained in my despatch of the 20th of May, and the 50,000 bourses which he had previously taken, have also been applied, with considerable advantage to the Government owing to the state of the exchange, in extinction of floating debt. The accounts of this operation were submitted in abstract by the Grand Vizier to the members of the Preliminary Committee at their recent meeting, and are to be submitted by him in detail to the Commission of Control.

The conversion of the paper money continues to be successfully conducted. The value of the new stock, and proportionately that of the paper money, has risen considerably and is still rising; and the previously existing home stock of the Government is rapidly recovering from the fall which the expectation of the new issue occasioned.

I have, &c.
(Signed) HOBART.

No. 5.

Earl Russell to Lord Hobart.

My Lord, *Foreign Office, August 7*, 1862.

HER Majesty's Government have read with satisfaction your despatch of the 23rd ultimo, reporting the steps that were being taken for the conversion of the paper-money and the liquidation of the floating debt in Turkey, and I have to request you to inform me whether you consider that a further loan will soon be required by the Porte.

I am, &c.
(Signed) RUSSELL.

No. 6.

Lord Hobart to Earl Russell.—(Received September 5.)

My Lord, *Constantinople, August 27, 1862.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th instant, in which I am directed to inform your Lordship whether I consider that a further loan will be required by the Porte.

For the reasons explained in my despatch of the 23rd ultimo, the complete liquidation of the floating debt must, in the actual state of the case, and in the absence of any means of adding to the amount of money at the disposal of the Porte for that purpose, be considered as out of the question. After providing for the withdrawal of the caimé on the stipulated terms, there will be of the whole floating debt of 1,700,000 bourses (7,650,000*l.*), a sum probably of about 1,100,000 bourses (nearly 5,000,000*l.*), which there exist no means of defraying otherwise than by the creation of stock; and such stock, so far as a large portion of the debt is concerned, must be issued to the creditors at a rate of discount varying with the character of the claims, but, owing to the enormous depreciation of the home securities of the Turkish Government, on the average extremely high. Since the meeting reported in my despatch of the 23rd ultimo, Fuad Pasha has informed me that he proposes to create, for the purposes of the floating debt, stock to the amount not of 1,000,000 bourses (4,500,000*l.*), the sum referred to in that despatch as having been agreed upon by the Preliminary Committee,—but of 1,300,000 bourses (5,850,000*l.*); and also that he does not intend to issue any of this stock (except by way of guarantee in the case of certain claims) until March next, by which time he anticipates that an improvement will have taken place in the price of the home securities. But he nevertheless estimates at considerably more than one third of the whole amount of the debt the claims of which, under this arrangement, the settlement must be deferred. In this manner, then, a very incomplete liquidation of the floating debt will have been effected, at an extravagant annual cost to the country. And although, by taking care that each creditor shall receive at least some portion of his debt, the immediate pressure upon the Government, on account of the liabilities which must be left unpaid, may be greatly diminished, it is certain that those liabilities must sooner or later be the cause of serious embarrassment.

It would no doubt be possible, by a sufficient addition to the amount of stock which it is proposed to create, to pay off on the same ruinous terms,—or rather on terms still more ruinous, since the stock would be further depreciated by the increased issue,—the whole of the large balance which will thus remain; and though, according to present estimates, the necessary interest on the additional stock could not be supplied without overcharging the Budget, yet looking to the resources of this country, it can scarcely be said that this charge might not, if necessary, be provided for by the Treasury. But this proceeding would be so objectionable as to constitute a still greater evil than the continued existence of a portion of the debt; and I do not doubt that the Turkish Government has acted rightly in declining to adopt such a measure.

It is evident, therefore, that the Porte is greatly in need of a further loan. In the course of a conversation which I recently had with him, the Grand Vizier mentioned a sum of 4,000,000*l.* as that which, at the most, would be requisite for a complete and satisfactory liquidation of the floating debt; and according to his estimates it appears that if this sum could be obtained, the whole of the debt might be extinguished at an additional cost to the Budget comparatively small, and for which it would certainly not be difficult to provide.

Fuad Pasha is also extremely anxious to procure the means of withdrawing the depreciated silver coin called "beshlik," the current value of which is greatly above its real value, and which thus becomes an object of speculative transactions, and the cause of evils the same in kind though not in degree as those which have been occasioned by the paper money now in course of extinction. For the withdrawal of this currency he estimates that a sum of 1,000,000*l.* will be necessary; and he seems to think that it would be expedient and possible to obtain a loan of that amount and for that purpose. There can be no doubt that the object is one of very great importance to the commercial and fiscal interests of Turkey.

I have, &c.

(Signed) HOBART.

No. 7.

Lord Hobart to Earl Russell.—(Received September 24.)

My Lord, *Constantinople, September 15, 1862.*

THE operation of converting the Turkish paper-money, which commenced on the 13th of July last, was brought to a close on the 12th instant, the day originally fixed by the Government for its termination; and during that time the whole of the paper-money has been withdrawn and destroyed, with the exception of an insignificant amount in notes (probably not more than a few thousand pounds) which the holders have neglected to present for conversion, and which are no longer legally current, but for which "consolidés" will be given if presented before the 1st of January next. The amount of caimé in the hands of the public before the commencement of the operation was, according to the statement of the Government, 1,000,162,500 piastres, while the amount which has actually been withdrawn is 998,800,720 piastres.

Thus, in the course of two months, a paper currency of about 9,000,000*l.* has been called in by the Porte on terms which have met with general approval, and under systematic regulations which have been completely successful. The result is considered here to be highly creditable to the Turkish Government.

I need not remind your Lordship of the ruinous effects, so often insisted on, of the inconvertible paper which has thus disappeared, or of the important improvement which has been effected in the commercial and financial position of the Empire by a return to a metallic currency.

I have, &c.
(Signed) HOBART.

No. 8.

Lord Hobart to Earl Russell.—(Received October 23.)

My Lord, *Constantinople, October 12, 1862.*

FUAD PASHA has promised to show me, in a very few days, detailed accounts relative to the employment of that portion of the recent English Loan which remained at the disposal of the Porte after providing for the withdrawal of the paper money, the whole of such balance having been (as he informs me) applied in diminution of the floating debt.

With respect to the large amount of floating debt which will remain when these payments have been made, I have explained to your Lordship in my former despatches that its complete and systematic liquidation must, in the actual condition of affairs, and in the absence of any pecuniary resources (except the small amount which may yet be received from the Internal Loan) available for the purpose, be considered as impracticable. And in my despatch of the 23rd July last, I informed your Lordship that at a meeting of the members of the Preliminary Committee, presided over by the Grand Vizier, it was decided that the arrangements for the partial liquidation of the debt by means of a limited amount of new stock should be made, not by the Committee of Control, but directly by the Grand Vizier in separate negotiation with the different creditors.

It thus appears that as respects the application of the English Loan to the purposes for which it was contracted, the object of my mission will have been attained; and that, in regard to the remainder of the floating debt, my services are not, under present circumstances, required by the Turkish Government. I propose, therefore, provided that the accounts to which I refer prove satisfactory, and unless I receive instructions from your Lordship to the contrary, to leave Constantinople at the end of the present month.

I have, &c.
(Signed) HOBART.

No. 9.

Lord Hobart to Earl Russell.—(Received November 10.)

My Lord, *Constantinople, October 30, 1862.*

IN my despatch of the 15th ultimo I informed your Lordship that the operation of converting the Turkish paper money (at 40 per cent. in cash, and 60 per cent. in stock) had been brought to a close on the 12th of that month; and that paper money, amounting to 998,800,720 piastres (the corrected sum is 998,788,152 piastres, or 9,079,892*l.*) had been withdrawn and destroyed. Since the last-mentioned date paper money has been no longer legally or actually current in Turkey.

It was thought desirable to shorten the term during which (according to the arrangement which I mentioned in the same despatch) the trifling amount of caimé which remained, and which had ceased to pass current, might be presented to be exchanged for stock only; and the 21st of the present month was fixed as the date after which no caimé would on any terms be received. On the 21st instant, accordingly, this supplementary operation was also closed, caimé to the value of 2,107,000 piastres, or 19,514*l.*, having by that time been presented for conversion into stock only. The total amount of caimé withdrawn is, therefore, 1,000,895,152 piastres (or 9,099,046*l.*), a sum somewhat exceeding the estimate of the Government, which was 1,000,162,500 piastres.

Thus the object in view—the total extinction of the paper currency— has been completely and effectually accomplished.

Some delay has occurred in the preparation of the accounts to which I referred in my last despatch, and I may therefore be detained some short time longer at Constantinople.

I have, &c.
(Signed) HOBART.

No. 10.

Lord Hobart to Earl Russell.—(Received December 6.)

My Lord, *Constantinople, November 27, 1862.*

ALTHOUGH the subject is not directly within the scope of my present mission, I have frequently spoken to Fuad Pasha respecting the financial position, generally considered, of this country; and your Lordship may not be unwilling to receive from me some observations upon that position.

It cannot be denied that during the past two years very considerable progress has been made by the Porte in respect of financial reform. The pernicious practice of "farming" the revenues is now limited to the "dîme" of Asiatic Turkey and a portion of the miscellaneous duties ("droits divers"), by far the greater part of the public income being now raised by direct collection. With a view to equalize revenue and expenditure, several new taxes have been imposed (and others would have been imposed but for the refusal of "foreigners"—a wide term in this country —and the consequent and natural reluctance of Ottoman subjects, to pay them) which have been for the most part judiciously selected. The new taxes on tobacco, the monopoly of salt (a measure of more doubtful expediency), the extension of the stamp duties, and the removal to some small extent, by means of a "patente" and a tax upon dwelling-houses, of the privilege which exempts the capital from direct taxation,—are sources of revenue which have recently been opened, and which will together add most materially to the receipts of the Treasury. On the other hand, some economies have been effected in the public Departments, and the Civil List of the Sultan has been reduced by about 270,000*l.* (it is now 1,133,882*l.*, or 251,976 bourses, as against 1,410,300*l.*, or 313,400 bourses, for the year 1859-60), which sum has been applied to the creation of a Reserve Fund ("dotation des Fonds de Réserve") to be annually employed as may seem most expedient for the purposes of the public service. The assumption by the Grand Vizier of the functions and responsibilities of a Finance Minister, in the ordinary sense of the term, has also been of essential advantage; and the first step towards an important improvement was taken in the publication, at the commencement of the present year, of approximative estimates, which, as the Grand Vizier assured me, it is intended to follow up by the annual publication of the ordinary estimates and accounts.

I have carefully examined and discussed with Fuad Pasha the Budget for the

current year, of which I inclose a copy. Your Lordship will perceive that it shows a surplus of 138,405 bourses, or about 611,000*l.*; but (owing partly to a change of circumstances since the Budget was prepared) the estimate of receipts is far from being verified by the actual experience of the year. The measures respecting tobacco and salt were, to a great extent, anticipated by dealers in those articles; and other of the new taxes, owing, in some degree, to administrative defects which may be remedied, will produce considerably less than was anticipated. On the other hand, the expenditure side of the account is more favourable to the Government than appears on the Budget, to the extent of the interest on the recent issue of Home Stock, which does not commence until next year, and of the interest on the Internal Loan, by which contribution, under present arrangements, no charge is placed upon the revenue. On the whole, I am led to the conclusion that the revenue of the current year would be equal to its expenditure, but for two sources of expense which do not appear in the Budget, but are treated as extraordinary,—the Montenegrin war with the Servian disturbances, and the loss on the paper money,—which, together, may probably have added about 2,000,000*l.* to the side of Expenditure. This is so far satisfactory as that for several years past, excluding from consideration extraordinary expenditure, there have been large deficits, that of last year having been about 1,600,000*l.* Next year, when the new fiscal measures have taken full effect, there can, I think, be little doubt that, unless in the event of any unusual occurrence involving a heavy outlay, the receipts of the year will be equal to its expenses, notwithstanding that the latter will be largely increased by the interest and sinking funds of the obligations issued in the present year; while the stimulus to production and trade which will be the result of recent reforms, including among them the gradual abolition of the export duties, must ensure a steady annual progress in the yield of the new taxes.

The paper money, which paralysed trade and caused heavy loss to the public Treasury, has (as your Lordship is aware) been withdrawn from circulation. As regards the Floating Debt (with respect to which the accounts for which I am waiting will enable me to furnish your Lordship with precise information) a very large portion of it has already been paid off, with the help of the English and Internal Loans; an important additional reduction will be effected in it by means of the new stock which, in the absence of further pecuniary resources, it will become necessary to issue; and the balance remaining will not be of such an amount but that the Porte may hope before long to find some means for its extinction.

Besides these improvements, several of the measures suggested in the Report addressed to your Lordship by Mr. Foster and myself in December last, are either in contemplation or in course of execution. Of these, the establishment of a National Bank is one of very urgent importance. It may now, indeed, be said to have become a necessity for the Turkish Government, if only for the purpose of supplying by advances of money on reasonable terms, the vacuum in the public Exchequer at the commencement of each financial year, when the receipts of the Treasury are prospective, while the demands upon it are immediate. This deficiency has hitherto been remedied either by means of paper-money, or by loans from local merchants at enormous and ruinous interest, or by the equally ruinous sale to "farmers" of future revenue. These three sources of supply are now in a great degree closed to the Porte, and, if they were not so, could no longer be resorted to with any regard to its credit or reputation. The creation of a National Bank on sound principles would satisfactorily solve this difficulty, and would in other respects largely contribute to a healthy state of the national finances. The Government is fully aware of this; and the Grand Vizier is actively engaged in the promotion of such a bank, and has secured the co-operation of English and French capitalists, whose commercial position and reputation are all that can be desired. In principle, however, and in detail, the project presents questions of great difficulty, and is one in which the assistance of experienced foreign advisers would be eminently useful to the Government.

Other reforms are projected, which are of extreme importance, and with respect to which it is desirable that the Porte should be encouraged to persevere by the advice and sympathy of friendly Powers.

There are two essential requisites for the permanent prosperity of this country, viz.:—

1st. A revenue sufficient to provide for the service of the State. And,

2ndly. A financial administration such as to afford security for the due application of that revenue, and for national solvency.

For the first, the measure of most urgent necessity is the construction of roads, and the improvement of the means of communication generally. The Grand Vizier states that it is intended at once to carry into effect a Regulation which has been recently issued, and the object of which is the construction of main and cross-roads throughout the agricultural districts by means of the labour of the population. It is to be hoped that this Regulation will work successfully. I am informed that in one place in which it has been tried it has perfectly succeeded. In any case, the Government seems at present to be impressed with the extreme urgency of the object in view, and not likely to be discouraged by a first failure.

Besides the creation of roads, the re-assessment of the "verghi," or income tax (which, as at present adjusted, bears most oppressively upon the productive industry of the country), by some such expedient as that which is recommended in our Report, but of which the Grand Vizier (while admitting that a "cadastre" is, for the present at least, impracticable) does not appear to contemplate the adoption, should be earnestly pressed upon the attention of the Turkish Government.

The tax upon the property of the capital, for which the Grand Vizier states that a measure has been prepared, should be imposed at the earliest convenient time. "Farming" should as soon as possible be discontinued, as regards those branches of the revenue to which it is still applied; and some of the "droits divers" which check production without benefiting the Treasury should be abolished. With regard to "vakouf" property, the Grand Vizier informs me that a measure is in preparation, of which the details are as yet undetermined, but which will probably be the more limited of the two alternatives indicated in our Report. Fuad Pasha does not, however, anticipate that this change will prove as productive to the Treasury as is generally supposed.

With respect to mines, forests, and other sources of production, much might certainly be done, notwithstanding the obstacles opposed by the "Capitulations," in this, as in so many other respects, to the welfare of Turkey.

As regards financial administration, a "Cour des Comptes" (Audit Office), a "Bureau de Comptabilité" in the Department of Finance, which I am informed are now under organization, and the revision (stated to be in contemplation) of the whole system of account, will be important improvements. The Finance Department should, however, be thoroughly reconstructed, with a Minister of Finance properly so called (whether his office be combined or not with that of Grand Vizier), both nominally and really at its head, and the duties of receipt, payment, and account, separated and clearly defined. The "Conseil des Trésors," which included among its members able and experienced foreign financiers, is, it appears, now to be dispensed with; but it seems to me that the existence of a permanent Council of this nature, which should be regularly consulted by the Finance Minister in regard to the measures which he may propose, would be of very great advantage to the Porte.

A question of vital importance—the regulation of the control exercised by the different Ministers over the public money—is, as the Grand Vizier states, to be dealt with concurrently with the arrangements respecting the National Bank, which would no doubt afford a convenient opportunity for its settlement; but the necessity of centralizing in the hands of the Minister of Finance the control of the revenue does not depend upon the existence or non-existence of a National Bank.

The fulfilment of its intention to publish at the commencement of each financial year the estimates and accounts should be urgently recommended to the Porte, as a measure which would have, for obvious reasons, the best effect upon the public credit, and upon its fiscal interests generally.

Until measures of this nature have been adopted, the financial condition of this country can hardly be considered satisfactory. If these reforms were effected, and time allowed for them, as well as for those which have already been accomplished, to take firm root in her political system, it seems not unreasonable to believe that Turkey might become a powerful and self-sustained empire, and a source of wealth, security, and peace, rather than of expense, anxiety, and discord, to European States.

I have, &c.
(Signed) HOBART.

Inclosure in No. 10.

Budget General de l'Exercice 1278 (1862-63).

RECETTES.

Chapitres.	Articles.	Nature des Recettes.	Recettes de 1278. Bourses. pias.	Recettes de 1277. Bourses pias.	Augmentation. Bourses pias.	Diminution. Bourses pias.	Observations.
I	...	Contributions Directes:—					
	1	Impôt personnel ("verghi") ...	633,305 140	562,992 454	70,312 186	—	Cette augmentation provient—1. Des 50,000 bourses à ajouter au Verghi, et des 20,000 bourses environ à imposer sur les habitants de la capitale; ainsi qu'il est indiqué dans le Budget approximatif de 1278, qui accompagne le rapport financier de son Altesse le Grand Vizir: et, 2e, des 312 bourses résultant de l'accroissement ordinaire des produits des Verghi.
	2	Rachat du Service Militaire ...	120,794 331	120,794 331	—	—	
II	...	Contributions Indirectes:—					
	1	Dîmes	868,581 403	781,950 228	86,631 175	—	L'augmentation provient de l'élévation prévue du prix de fermage des dîmes dans les provinces où le système des appaltes continue d'être en vigueur, ainsi que de l'accroissement des produits de la dîme du tabac.
	2	Taxe sur les moutons	170,336 8	169,336 8	1,000 0	—	
	3	Idem sur les porcs	4,729 366	4,729 366	—	—	
	4	Douanes	565,998 68	315,998 68	250,000 0	—	Bien que le Budget approximatif, cité plus haut, n'évalue qu'à 200,000 bourses l'augmentation qui doit résulter de l'application du nouveau tarif, un accroissement plus considérable étant prévu sur le produit des douanes, et la mise à la régie de la plupart des douanes ayant déterminé une augmentation de revenus, la somme primitive a dû être augmentée de 50,000 bourses.
	5	Tabacs	185,000 0	68,490 295	116,509 205	—	L'augmentation indiquée dans le Budget approximatif est de 100,000 bourses seulement; mais le tableau dressé par l'Administration des Contributions Indirectes l'évalue à la somme ci-contre.
	6	Poissons	14,717 89	14,717 89	—	—	
	7	Contrats	8,404 471	3,404 471	5,000 0	—	Cette augmentation, qui résulte de l'établissement d'une nouvelle loi sur les contrats et de la réorganisation de cette administration, ainsi que de l'application de la loi dans toute l'étendue de l'Empire, est le minimum qu'on est en droit d'attendre de cette réforme.
	8	Papier timbré	44,993 82	4,993 82	40,000 0	—	Cette augmentation est égale au chiffre indiqué comme minimum dans le Budget approximatif.
	9	Spiritueux	29,767 458	29,767 458	—	—	
	10	Tapou	42,167 282	22,167 282	20,000 0	—	Cette augmentation est également celle indiquée dans le Budget approximatif comme devant résulter de l'application de la nouvelle loi sur les titres de "tapou."
	11	Taxes diverses	266,823 282	211,623 282	55,200 0	—	40,000 bourses provenant de la loi à établir pour les patentes, et de la généralisation dans tout l'Empire de la loi sur la vente des spiritueux (Budget Approximatif); 15,200 bourses de l'application dans les provinces de la taxe sur les fers à cheval, et de l'établissement dans la capitale d'un impôt sur les chevaux de trait, de selle, ou de charge.
III	1	Postes	18,155 265	18,155 265	—	—	
	2	Imprimerie	2,221 209	2,221 209	—	—	
	3	Immeubles appartenant à l'Etat ...	6,985 448	6,985 448	—	—	
IV	1	Pêcheries	4,145 119	4,145 119	—	—	
	2	Forêts	6,664 351	1,664 351	5,000 0	—	Première augmentation prévue par suite de la réforme du régime forestier.
	3	Fermes	16,424 84	16,424 84	—	—	
	4	Salines	149,091 59	29,091 95	120,000 0	—	Augmentation provenant du monopole du sel (Budget Approximatif).
	5	Mines	23,661 161	18,661 161	5,000 0	—	Augmentation provenant de la réforme à introduire dans l'exploitation des mines.
	6	Produit de la vente d'immeubles ...	146 10	146 10	—	—	
	7	Excèdant des Vacouf	30,000 0	...	30,000 0	—	Revenu provenant de l'accroissement des produits des Idjaré, des biens Vakouf par suite de la réforme, et de l'augmentation des Idjaré; le montant sera retenu sur la subvention payée annuellement par le Trésor au Ministère des Vakouf.
V	1	Tribu d'Egypte	80,000 0	80,000 0	—	—	
	2	Idem de Valachie	5,000 0	5,000 0	—	—	
	3	Idem de Moldavie	3,000 0	3,000 0	—	—	
	4	Idem de Servie	4,600 0	4,600 0	—	—	
	5	Idem de Scio	800 0	800 0	—	—	
	6	Idem du Mont Athos	174 0	174 0	—	—	
		Total	3,306,689 285	2,502,086 119	804,653 166	—	
		Revenus spéciaux du Ministère de la Marine	12,279 131	18,838 295	—	6,559 265	Diminution provenant—1er, du prix de fermage du nouveau pont par suite de l'achèvement du vieux pont; 2e, du chômage des bateaux-à-vapeur de la Compagnie de l'Arsenal; et 3e, de la baisse des loyers des boutiques situées auprès du nouveau bassin.
		Idem du Ministère du Commerce ...	2,117 272	1,897 448	219 324	—	
		Total Général	3,321,086 188	2,522,772 462	804,872 490	6,559 265	

DEPENSES.

Chapitres.	Articles.	Nature des Dépenses.	Crédits demandés pour 1278.	Crédits alloués de 1277.	Augmentation.	Diminution.	Observations.
			Bourses pias.	Bourses pias.	Bourses pias.	Bourses pias.	
I	...	Dette Publique :—					
		§ 1. Dette Extérieure—					
	1	Intérêts et amortissements ...	351,265 29	210,465 29	140,800 0	—	Augmentation résultant du nouvel emprunt de 8,000,000 de livres sterling, contracté à Londres, pour le remboursement de la dette flottante.
		§ 2. Dette Intérieure—					
	1	Intérêts et amortissement des Eshami-Djédidé et des Tahvilati-mumtazé	200,000 0	125,000 0	75,000 0	—	Augmentation provenant de l'émission de l'Eshami-Djédidé pour le remboursement de la dette flottante et le retrait du caïmé (intérêts du 2e semestre de l'exercice.)
	2	Eshami-Mumtazé et bons de dix ans	57,795 0	57,795 0	—	—	
	3	Intérêts des Schime, Moukata Timar, Zianet	104,869 498	97,360 192	8,776 117	1,266 811	Augmentation résultant des Schim émis pour le remboursement de la dette flottante et des "timar," ou autres papiers créés. Diminution provenant des vacances.
	4	Restitution du quart de l'avance, perçu sur le Verghi	62,847 0	62,847 0	—	—	
	5	Intérêts de l'emprunt intérieur de 400,000 bourses à contracter	24,000 0	...	24,000 0	—	Emprunt à contracter pour le remboursement de la dette flottante.
	6	Dotation des Villes Saintes, groupe sacré	80,719 0	80,719 0	—	—	
	7	Dotation du fonds des réserves ...	60,000 0	...	60,000 0	—	A créer.
II	...	Liste Civile de Sa Majesté Impériale le Sultan, et dotations y afférentes	251,976 252	247,727 255	4,248 497	—	Augmentation provenant des fractions ; de l'allocation de nouvelles rations, et de l'adjonction des traitements des Aumoniers du Palais ; traitements qui figuraient jusqu'ici dans le Budget du Ministère de la Justice.
III	...	Pensions	65,415 471	58,405 146	8,669 252	1,658 425	L'augmentation provient de l'allocation de traitements [illegible] employés mis en disponibilité. La diminution résulte de la réduction de quelques traitements.
IV	...	Ministres sans Portfeuille ; Conseil Suprême de Justice, et Conseil des Trésors	18,723 108	23,207 202	94 420	4,579 14	Economie résultant de la fusion des Conseils et de quelques changements dans le personnel.
V	...	Services des Ministères :—					
	1	Ministère de la Guerre	959,455 484	982,773 263	—	23,317 278	La diminution provient de la suppression des rations des employés Civiles ; de la réduction du nombre des Membres du Conseil Supérieur de la Guerre ; du renvoi de quelques fonctionnaires ; de la baisse du prix des fournitures par rapport à l'année précédente, et enfin des économies réalisées sur les dépenses. L'augmentation de l'effectif de l'armée est de 14,661 hommes.
	2	Intendance-Générale de l'Artillerie	43,044 242	40,505 35	8,754 307	6,215 100	L'augmentation provient de l'adjonction du prix du pain compris jusqu'ici dans le Budget du Ministère des Finances, et de la confection de canons rayés de capsules. La diminution résulte du remplacement des ouvriers civils par un régiment d'ouvriers militaires à créer, de la suppression de quelques rations, et de diverses économies.
	3	Ministère de la Marine	265,892 276	182,878 128	76,344 347	13,330 200	L'augmentation provient de la consommation en charbons des bateaux de l'Etat chargés du transport des troupes et des munitions des journées des ouvriers employés à la construction du grand bassin ; de la machine destinée à la pompe ; des machines destinées aux navires en construction à Aynali-Kavak ; et des dépenses diverses. La diminution résulte de la suppression des rations des fonctionnaires et employés civils, et d'économies diverses.
	4	Ministère de la Justice	21,343 196	21,328 0	15 196	—	
	5	Ministère des Vakouf	40,200 0	41,200 0	...	1,000 0	Economie résultant de la suppression de l'excédant de l'allocation assignée aux habitants des Villes Saintes.
	6	Ministère de l'Intérieur	354,716 144	365,593 483	12,556 263	23,434 102	Augmentation provenant de la création des régiments de Zabtiyès dans les provinces, et de diverses dépenses. Diminution résultant de la suppression des traitements de divers fonctionnaires et employés, et d'économies diverses.
	7	Ministère des Affaires Etrangères .	27,002 437	27,069 91	1,075 208	1,141 362	Augmentation provenant de l'élévation du chiffre des traitements des Chargés d'Affaires de Pétersbourg et d'Athènes, et de l'érection des deux Légations en Ambassades ; ainsi que des traitements des Consuls Ottomanes résidant dans des villes importantes. La diminution résulte d'économies diverses.
	8	Ministère du Commerce et des Travaux Publics	8,915 206	9,467 416	811 406	1,364 108	L'augmentation provient de l'allocation de traitements, sur les recettes du Ministère du Commerce, aux Membres des Tribunaux, de la Cour d'Appel, aux fonctionnaires et employés de l'Administration de l'Evcaf, et à ceux de la Chancellerie. La diminution résulte de l'économie à réaliser par suite de différence de charge sur les traitements des Membres du Conseil des Travaux Publics, des Ingénieurs des Ponts et Chaussées, et des Ingénieurs Forestiers, traitements fixés en livres sterling ou en francs, et de diverses économies.
	9	Ministère de l'Instruction Publique	4,917 56	4,781 332	388 0	252 276	Augmentation provenant de l'allocation de traitements aux Professeurs de l'Ecole dite "Mektébi Mearif," au personnel des écoles établies ou à établir dans les provinces, et de diverses dépenses extraordinaires. Diminution résultant de la réduction des traitements du Ministère et de divers employés, ainsi que de quelques économies.
	10	Ministère de la Police	42,151 0	46,097 0	...	3,946 0	Dans le développement du Budget du Ministère de la Police pour l'année 1277, les dépenses de ce Ministère figure pour la somme de 28,727 bourses, tandis que ce chiffre s'élève dans le Budget approximatif publié à une somme de 46,097 bourses. Cette différence provient de ce que le premier chiffre ne comprend pas les frais de confection dans la capitale des armes des Zabtiyés des provinces, armes qui seront fournies une fois pour toutes. Cette dépense ne devant pas avoir lieu pour cette année, il en résulte une économie de 17,370 bourses. Mais comme l'augmentation de l'effectif des Zabtiyès de la capitale a occasionné un accroissement de dépenses de 13,424 bourses, l'économie réelle n'est par conséquent que de 3,946 bourses.
	11	Ministère des Finances	157,430 86	194,484 435	6,707 467	43,762 316	L'augmentation provenant de l'assignation de traitements aux comptables nommés dans les Kazas, et de diverses dépenses. La diminution résulte de la suppression des rations, de la réduction de divers traitements, et d'économies diverses.
		Total Général	3,182,680 485	2,879,706 13	428,243 480	125,267 492	

RECAPITULATION.

	Bourses pias.
Total des Recettes	3,321,086 188
Total des Dépenses	3,182,680 485
Excédant des Recettes	138,405 203

No. 11.

Lord Hobart to Earl Russell.—(*Received December* 20.)

My Lord, *Constantinople, December* 10, 1862.

THE accounts of the Turkish Treasury respecting the measures which have been taken by the Government for the extinction of the paper money, and the liquidation of the floating debt, have now been presented to the "Commission of Control;" and I am now, therefore, able to furnish your Lordship with complete information as to the mode in which the proceeds of the recent English and Internal Loans have been employed.

The net produce of the English loan,—*i. e.*, its produce deducting commission, discount, and incidental expenses,—is 5,148,255*l.*

Of this sum, the total amount expended on the extinction of the paper currency (to the holders of which 40 per cent. was given in money), was 3,652,583*l.*

The remainder, viz., 1,495,672*l.*, has, with the sum hitherto obtained from the internal loan, viz., 1,192,293*l.* (264,954 bourses), and excepting a small balance of 13,956*l.* still undisposed of,—in all 2,674,009*l.*,—been applied in liquidation of the more pressing liabilities of the floating debt. The total amount of debt liquidated by means of this sum is 3,518,067*l.*, the Government having been enabled, in pursuance of the arrangement referred to in my despatch of the 20th May last, to discharge a portion of the debt, while the "caimé" still existed, at a very favourable rate of exchange.

It will thus be seen that the whole net produce of the English loan (including the countervalue, provided out of the revenue of the year, of a sum of 480,000*l.*, which was detained in England to meet the interest on the loan) has been applied to the purposes for which the loan was contracted, viz., the withdrawal of the paper money and the liquidation of the floating debt.

Comparing, then, the present position of the Porte, in regard to its unfunded liabilities, with that in which it was placed at the commencement of the current year and before the English loan was contracted, it appears that—

At the commencement of the present year the unfunded liabilities of the Porte amounted to—

1. Paper money, 9,099,046*l.*

2. Floating debt, 10,900,786*l.* This debt was (as stated in my former despatches) estimated by Fuad Pasha, in his statements to the "Preliminary Committee" in May last, at about 7,700,000*l.* But that amonnt did not (as it now appears) include a sum of 2,250,000*l.* (500,000 bourses) due to certain bankers to whom assignments had been given on arrears of revenue, but for which assignments "consolidés" have now been substituted in the way of guarantee for payment; nor did it include a sum of 967,000*l.* (215,000 bourses) for arrears of pay due to the army.

The paper money has been entirely withdrawn.

Of the floating debt a sum of 3,518,067*l.* has (as above stated) been liquidated by means of the English and Internal Loans; 982,197*l.* (218,266 bourses) has been disposed of by means of life annuities entailing an average annual charge of 12 per cent.; 615,123*l.* (136,694 bourses) has been paid in newly created 6 per cent. stock; and 450,000*l.*, or 100,000 bourses (of the arrears of pay due to the army), by means of arrears of taxes since recovered. In all, therefore, claims to the amount of 5,565,387*l.* have been paid off, thus leaving 5,355,399*l.* still unliquidated. As regards some considerable portion of the debt thus remaining, stock has been given to the claimants in the way of guarantee for payment, at dates varying from six months to two years; the stock reverting to the Government if the debt is duly discharged, and saleable by the holder only in case of non-payment.

To this remainder must now be added whatever deficit may have been incurred on the service of the current year, and which will not (as it would appear) exceed the extraordinary expenditure on account of the Montenegrin war, with the Servian disturbances, and of the loss on the paper money, which together may be roughly estimated at about 2,000,000*l.*

In round numbers, then, it appears that the whole of the actually existing unfunded debt of Turkey may be taken at about 7,500,000*l.*, as against an unfunded debt of 19,999,832*l.* (including 9,099,046*l.* of paper money) at the commencement of the present year.

The cost, on the other hand, of these two operations, viz., the withdrawal of the paper-money and the reduction of the floating debt, has been an addition to the

funded debt of 8,000,000*l.* on account of the English loan, and 6,262,623*l.* on account of the new issue of home stock (*i. e.*, 5,647,500*l.* for the "caimé," and 615,123*l.* for the floating debt), in all 14,262,623*l.*, entailing an annual charge of 1,141,009*l.*; together with life annuities to the amount of 982,197*l.*, on which the charge is 117,864*l.*: the total additional charge upon the national income being thus 1,258,873*l.* No charge is placed upon the revenue by the Internal Loan, a part of it having (it appears) been presented as a free gift to the Government, and the rest being considered as balanced by an equivalent amount in arrears of taxation due from the provinces in which it was raised.

To meet the amount of floating debt which remains, the Porte has no pecuniary resources at its disposal (the realization of any further considerable sum from the Internal Loan being now very improbable) beyond certain arrears of taxes which it expects to receive, and by which a small portion of the debt may be defrayed. Unless, therefore, a new loan should be obtained, the only mode in which that amount can be dealt with, is by a further issue of Government obligations; and under present arrangements a further issue of home stock, bearing interest at the ordinary rate of 6 per cent., and a charge for sinking fund of 2 per cent., is accordingly contemplated. For the reasons, however, which have been explained in my former despatches, viz., the very low credit of the Government as regards its home securities (the price of the already existing home stock being only about 40), and the excessive annual charge which the complete extinction of the debt, by a consolidation which is optional on the part of the creditors, would consequently place upon the Treasury, a very large portion of it must in this case still remain unliquidated.

It is intended by the Grand Vizier shortly to publish a full report to the Sultan of the recent financial operations.

I have, &c.
(Signed) HOBART.

TURKEY.

Reports of Lord Hobart on Turkish Finances.

Presented to both Houses of Parliament by Command of Her Majesty. 1863.

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